

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Number Utilization Study Investigation into
Number Conservation Measures.

COPY

DOCKET NO.: 981444-TP

BEFORE: CHAIRMAN JOE GARCIA
COMMISSIONER J. TERRY DEASON
COMMISSIONER SUSAN F. CLARK
COMMISSIONER E. LEON JACOBS, JR.
COMMISSIONER LILA JABER

PROCEEDINGS: AGENDA CONFERENCE

ITEM NUMBER: 17**PAA

DATE: Tuesday, ~~January~~ ^{February} 29, 2000

PLACE: 4075 Esplanade Way, Room 148
Tallahassee, Florida

REPORTED BY: MARY ALLEN NEEL
Registered Professional Reporter

ACCURATE STENOTYPE REPORTERS
100 SALEM COURT
TALLAHASSEE, FLORIDA 32301
(850)878-2221

BUREAU OF REPORTING

RECEIVED 3-15-00

DOCUMENT NUMBER-DATE

03295 MAR 15 8

BUREAU OF REPORTING

PARTICIPANTS:

DIANA CALDWELL, Commission Staff
 JOHN CUTTING, Commission Staff
 GREG DARNELL, MCI WorldCom
 SENATOR HOWARD FORMAN (By telephone)
 STAN GREER, BellSouth
 LEVENT ILERI, Commission Staff
 SENATOR RON KLEIN (By telephone)
 REPRESENTATIVE SHARON MERCHANT (By telephone)
 DONNA McNULTY, MCI WorldCom
 FLOYD SELF, AT&T, BellSouth, Intermedia,
 MediaOne, MCI WorldCom, and Sprint
 SALLY SIMMONS, Commission Staff
 BRENT STRUTHERS, Neustar

STAFF RECOMMENDATION

Issue 1: Should the Commission order the immediate return of all unused and reserved NXX codes by all carriers in the 954, 561, and 904 area codes?

Recommendation: Yes. Staff recommends that the Commission order the immediate return of all unused and reserved NXX codes by all carriers in the 954, 561, and 904 area codes based on Industry Numbering Committee's Central Office Code (NXX) Assignment Guidelines (INC 95-0407-008). Staff also recommends that the Commission direct the North American Numbering Plan Administrator (NANPA) to provide monthly Local Exchange Routing Guide (LERG) reports by area code, including the code assignment and activation dates, to the Commission. Staff further recommends that, after the Commission Staff evaluates the reports, Staff should contact NANPA to reclaim unused and reserved NXXs in all of Florida NPAs from all carriers who have not met the applicable INC 95-0407-008 guidelines as presented in the analysis portion of Staff's February 17, 2000 memorandum.

Issue 2: Should the Commission order the mandatory implementation of 1KNP for wireline carriers in the 954, 561, and 904 area codes and, if so, what should be the back-up plan to provide relieve in these area codes?

Recommendation: Yes. Based on the 1KNP committee's decision made on February 4, 2000, Staff recommends that on an interim basis the Commission order the mandatory implementation of 1KNP for all LNP-capable

carriers in the 954, 561, and 904 area codes. Staff also recommends that one of the alternatives proposed for the 954, 561, and 904 area code dockets be used as a backup plan to provide relief, pending completion of the evidentiary proceeding in Docket Nos. 990457-TL (Area Code 954), 990456-TL (Area Code 561), and 990517-TL (Area Code 904).

Issue 3: In order to obtain initial numbering resources to serve a particular NXX, should the Commission establish any prerequisite criteria for all carriers and, if so, what should those criteria be?

Recommendation: Yes. In addition to completing all the required entries on a code request form, as required by the INC Central Office Code (NXX) Assignment Guidelines, the Commission should require that all carriers provide the following additional information to substantiate their request for initial numbering resources: 1) an approved interconnection agreement with the incumbent local exchange company (ILEC); and 2) facilities readiness within the NXX activation time frame of six months. Facilities readiness shall be defined as having the requisite equipment in place to allow a carrier to activate a telephone number such that the customer assigned to that specific number is able to make and receive calls over the public switched network.

Issue 4: What requirements should the Commission establish for the thousand-block number management by all code holders?

Recommendation: The Commission should establish the following sequential requirements for thousand-block number management by all code holders.

Step 1: Telephone numbers should be assigned from thousand-blocks with greater than 10% contamination, until an overall 75% utilization rate is reached.

Step 2: Telephone numbers should be assigned from a single thousand-block with less than 10% contamination, until a 75% utilization rate is reached within that block.

Step 3: Step 2 should be repeated until a 75% utilization rate is reached in all thousand-blocks.

Issue 5: When applying for additional numbering resources, what information should be provided to the numbering administrator?

Recommendation: Any code holder applying for additional numbering resources should be required to provide the numbering administrator with information substantiating that it has achieved a 75% utilization rate in all applicable thousand-block(s) and that its existing numbering resource will exhaust in less than six months.

Issue 6: What procedure should be followed to address situations in which a code holder believes it will be unable to satisfy a utilization rate and MTE criteria, and will need additional numbering resources to meet the projected telephone number demand?

Recommendation: A code holder should file a request for extension of time with the Commission and provide substantiating information, including number utilization data, the 6 MTE calculation, and backup information showing why the code holder expects demand will exceed its resources. Responses, if any, to the request may be filed within seven days. No additional time should be allowed for mailing. The Commission should endeavor to provide a decision to the code holder within 30 calendar days of receipt of the extension request.

Issue 7: What type of verification process should be implemented to ensure the accuracy of information provided by carriers to the numbering administrator in order to substantiate numbering resource requests, and who should perform this function?

Recommendation: Staff recommends that the Commission verify and reconcile on an as-needed basis: a) information submitted by carriers to the numbering administrator to substantiate numbering resource requests; b) information available from the LERG; and c) submissions provided in response to any Division of Telecommunications data requests.

Issue 8: Which software release(s) should be used to implement 1KNP, and what should be the number pooling inventory time line (NPIT) for the 954, 561, and 904 area codes?

Recommendation: Upon approval of Issue 2, Staff recommends the following software releases and implementation dates for the 954, 561, and 904 area codes.

Area Code (NPA)	Software Release	Implementation Date
954	1.4	May 1, 2000
561	1.4	July 1, 2000
904	3.0	October 1, 2000

Staff also recommends that the Commission order all code holders in the 954, 561, and 904 area codes to adhere to the NPIT set forth in Staff's memorandum.

Issue 9: Should the Commission order all code holders in the 954, 561, and 904 area codes to designate a 1KNP administrator (1KNPA) for the 954, 561, and 904 area codes?

Recommendation: Yes. Staff recommends that the Commission order all code holders in the 954, 561, and 904 area codes to designate a 1KNPA for the 954, 561, and 904 area codes in Florida. Staff also recommends that all code holders in the 954, 561, and 904 area codes should utilize the State Commission's revised version of the INC 1KNP Guidelines submitted to the FCC on January 2, 2000 for all 1KNP trials in Florida.

Issue 10: Should in docket be closed?

Recommendation: No. Staff recommends that this docket should not be closed as other issues remain. However, any person who is substantial interests are affected by the proposed agency action may file a protest within 21 days of the issuance of the Commission's order. If no timely protest of issues 1 through 9 is filed, the order will become final upon the issuance of a consummating order. If a protest is filed by a person whose substantial interests are affected, if possible, a (any) proceeding should be conducted pursuant to section 120.57 (2), Florida Statutes, or by other appropriate expedited process.

1 CHAIRMAN GARCIA: We have with us Senator
2 Klein and Senator Forman, who wanted to comment
3 on this. We will have staff bring up the issue
4 and explain to us what we're about to see.

5 SENATOR FORMAN: Okay.

6 SENATOR KLEIN: Thank you.

7 MR. ILERI: Commissioners, Item 17 is the
8 implementation of the FCC's additional
9 delegation of interim authority to Florida. As
10 you may be aware, our Commission has been
11 actively involved in resolving area code
12 exhaustion problems --

13 SENATOR FORMAN: We're having a little bit
14 of a problem hearing. If you could speak a
15 little closer to the mike, please.

16 MR. ILERI: Sure. Our Commission has been
17 actively involved in resolving area code
18 exhaustion problems as well as the number
19 conservation measures. We filed many comments
20 to the FCC on such issues. On April 2, we have
21 filed -- on April 2, Senator Collins introduced
22 a bill, which is Senate Bill 765, and our
23 Commission has supported this. There was also
24 another bill that was introduced, a companion
25 bill introduced by Representative Kuchinich on

1 July 1, and we supported this bill.

2 On September 15, '99, the FCC has
3 delegated additional authority to Florida,
4 basically, the institution of thousand-block
5 pooling, reclamation of unused and reserved NXX
6 codes, maintaining rationing procedures for six
7 months, setting numbering allocation standards,
8 requesting number requisition data from all
9 carriers, implementing NXX cost sharing, and
10 implementing rate center consolidation. This
11 recommendation addresses all issues except cost
12 sharing and rate center consolidation.

13 And we'll be happy to answer any questions
14 that you might have.

15 CHAIRMAN GARCIA: Very good. Senator
16 Forman, I believe you're the senior senator of
17 both of you, so I'll let you speak first. We'll
18 hear from you, and then we'll hear from Senator
19 Klein, and then we'll continue the agenda
20 conference, and we'll let you know what happens.

21 SENATOR FORMAN: Thank you. Let me talk
22 about area code 954. And there are probably
23 other area codes in the state that are under the
24 same assault of being faced with big changes.

25 what happened, as you all know, a few years

1 ago, 954 was supposed to last at least until the
2 year 2008. Many telecommunications companies
3 were given blocks of 10,000 numbers, which many
4 of them were unused. It looked like --

5 CHAIRMAN GARCIA: Senator?

6 SENATOR FORMAN: Yes.

7 CHAIRMAN GARCIA: One second. I believe
8 Representative Merchant is on the line.

9 (Interruption on the line.)

10 CHAIRMAN GARCIA: Keep going, Senator.

11 SENATOR FORMAN: All right. And it looks
12 like 954 might face extinction by 2002.

13 I think that there's a compromise in the
14 offering that the 10,000 figure may be reduced to
15 a 1,000 figure, therefore prolonging the life of
16 the 954 area code to be still seven-digit dial,
17 county-wide area code, until like 2005 or
18 something like that.

19 I would like to see the promise that was
20 given to keep the area code until 2008 be
21 adhered to as much as possible. And I don't
22 envy my friends and relatives in Dade County
23 that now have ten-digit dialing. And maybe
24 eventually that might be the wave of the future,
25 but we would like to delay that as long as

1 possible.

2 I noticed that last year Pinellas County
3 got their 727 area code. And it is distinctive
4 to their county, like 954 is distinctive to
5 Broward County.

6 There might be some other issues in the
7 compromise, but the more you can prolong it, the
8 better it is. It's a big expense to reprint
9 business cards and stationery and whatever
10 facets of advertising that people have with the
11 present 954 code.

12 Also, people are worried about losing some
13 of their old seven-digit number, which -- you
14 know, which happens from time to time, but
15 doesn't have a direct bearing right at this
16 second with the old area code.

17 So that's basically where we're coming
18 from. And anything you can do to prolong the
19 954 in Broward County and keep the seven digits
20 would be greatly appreciated.

21 CHAIRMAN GARCIA: Thank you very much,
22 Senator.

23 Senator Klein.

24 SENATOR KLEIN: Thank you for allowing us
25 to participate this morning.

1 First of all, I would like to reiterate the
2 issues and the approach that Senator Forman has
3 said for -- expressed for the 954 area code. My
4 district also includes part of that area, and
5 the constituents I've heard from in the North
6 Broward area have expressed the same concern
7 about changing to a ten-digit system and doing
8 what's necessary to try to prolong the 954 area
9 code.

10 In the 561 area code, which is the primary
11 portion of my legislative district, we have had
12 lots of public comment and lots of conversation.
13 As we all understand, 561 extends beyond Palm
14 Beach County into a couple of counties north of
15 Palm Beach County. And one suggestion was, in
16 terms of conservation of area codes, was to --
17 or conservation of the capacity, of the number
18 of lines available, was to keep the 561 area
19 code limited to Palm Beach County and create a
20 new area code for the balance of the region,
21 which would then create a large capacity for the
22 non-Palm Beach County area and would free up a
23 good amount of capacity for the Palm Beach
24 County area, would keep all of the folks in that
25 area code region with just seven-digit dialing

1 instead of ten-digit, which I think is a
2 preference we've heard from all our businesses
3 and residential customers.

4 The second issue that I guess is being
5 addressed today is the concept of finding a way
6 to release the numbers from the -- I guess the
7 pooling concept so that we don't have to have
8 these big blocks of numbers or groups of numbers
9 out there with local companies that really only
10 have a need for a much smaller number. And
11 obviously, if that is a way of creating
12 available capacity, particularly if those
13 companies will not be using them and are just
14 holding them off the market, I would certainly
15 support that.

16 I would also suggest it appears, based on
17 some conversations I've had with some of the
18 BellSouth people, there was concern about the
19 timing of when this would take place, and that
20 there was some concern on their part about the
21 process that they would have to go through on a
22 manual basis. And it wasn't that they were
23 objecting to it, but it more a question of
24 instead of doing it in a matter of a few months,
25 to allow them a little more time to prepare to

1 make that change, which it doesn't appear to me
2 to really make of much of a difference if it's
3 done in five months or a year, if in fact the
4 561 area code has available capacity, I think
5 until sometime in 2002. Is that correct,
6 somewhere in 2002?

7 MR. ILERI: That's correct.

8 CHAIRMAN GARCIA: That's correct.

9 SENATOR KLEIN: That's correct. Okay.

10 So from a timing standpoint, maybe I can
11 get a question answered as to why they came up
12 the date that they came up with. Was it June or
13 July of this year to begin this process, as
14 opposed to waiting until maybe January 1 of
15 2001, if in fact, when it occurs, when the
16 implementation date takes place, at that point
17 we will effectively be freeing up the additional
18 numbers that are tied down with these blocks
19 right now? What is the reason that the staff is
20 proposing the specific date for beginning this
21 process?

22 MR. ILERI: The problem is the rationing
23 procedure in those area codes, because they're
24 in extraordinary jeopardy. And now they're
25 assigning six codes per month, and based on the

1 available number of prefixes, it will exhaust in
2 July of 2002.

3 SENATOR KLEIN: And what is the point in
4 time in which you wanted to begin this pooling
5 process under the recommendation for 561?

6 MR. ILERI: Under the recommendation,
7 although we have not provided those estimates, I
8 have -- we want to implement 954 pooling
9 starting --

10 CHAIRMAN GARCIA: 561 he's asking about.
11 And the question is, Levent, if I can restate
12 your question, Senator, that if we wait six
13 months, what effect does that have? Correct,
14 Senator?

15 SENATOR KLEIN: Correct, that's it.

16 MR. CUTTING: There's an issue of the
17 available codes out there that could be
18 reclaimed to develop a pool for thousand-block
19 pooling. The longer you wait, the more
20 opportunity the companies have to contaminate
21 and utilize those blocks that are out there.
22 There are only so many numbers yet available.
23 If you start pooling sooner, using the software
24 that's available now, you obviously can get the
25 advantage of having those codes taken back and

1 reclaimed and used for your pooling efforts.

2 SENATOR KLEIN: Help me out with the
3 technical terminology. When you say
4 contaminated, aren't we concerned about a
5 company that has taken down a block and is not
6 utilizing it? Is there something they could do
7 to those numbers that would make them
8 unavailable if they're not actively being used?

9 MR. CUTTING: That's essentially what
10 contamination is. It's utilizing numbers or
11 assigning numbers within the blocks of -- within
12 the 1,000-blocks that are contained in the
13 10,000-blocks that they were assigned.

14 SENATOR KLEIN: But if a company takes
15 down a 10,000-block and right now only is making
16 use of 1,000, but we wait another six months and
17 they take another 3,000, I mean, that's their
18 ability to do business. I don't have a problem
19 with that. It's really a question, I thought,
20 of just saying that if a balance is available,
21 and they're not going utilize them, it's not
22 projected they're going to utilize them, we want
23 to free up that group, not the ones that they're
24 actively, you know, taking down for use.

25 COMMISSIONER CLARK: Let me ask a slightly

1 different question. Would it be possible to put
2 parameters on how they can use their existing
3 numbers such that you would avoid the
4 contamination so that where you are six months
5 from now would be the same way you would be at
6 your implementation, because they protected
7 those codes from -- those blocks from
8 contamination? Could we do that and do what the
9 Senator has suggested?

10 MR. CUTTING: There is certainly a way to
11 put a number of management controls on the usage
12 of the numbers. Whether you would end up at the
13 same point, that's difficult to say. But
14 certainly there are ways within the
15 recommendation that Staff is recommending to say
16 to a company, "This is how we would like you to
17 utilize the numbers to ensure that when pooling
18 does start, we have the maximum number of blocks
19 available."

20 COMMISSIONER CLARK: Let me ask you a
21 question. Is it a matter of saying, "This is
22 how we would like to you do it," or can we say,
23 "This is how you're going to do it"?

24 MR. CUTTING: The FCC has given us the
25 authority to order that this is how you shall do

1 it.

2 SENATOR KLEIN: Okay.

3 CHAIRMAN GARCIA: Senator, do you want to
4 add anything else?

5 SENATOR KLEIN: Maybe we can just get some
6 comments from BellSouth in terms of getting a
7 better understanding of their concern. But if
8 it's something that can be done without really
9 causing a great delay or jeopardizing or
10 contamination, so to speak, of the codes, I
11 don't see why we shouldn't consider that.
12 Again, we all have the same goal of trying to be
13 efficient with the codes available so that we
14 want to make sure we can keep these area codes
15 as long as possible.

16 So I'm just asking the PSC whether there's
17 something that is reasonable that can
18 accommodate a problem that has been identified
19 by BellSouth and maybe get some additional
20 information as to what their problem is, and
21 then if it is a legitimate issue, that the PSC
22 create some scenario where we avoid
23 contamination of the excess capacity.

24 CHAIRMAN GARCIA: Very good.

25 REPRESENTATIVE MERCHANT: Mr. Chairman,

1 this is Sharon Merchant joining the call.

2 CHAIRMAN GARCIA: Very good. Ms. Merchant,
3 if you can go ahead and speak.

4 REPRESENTATIVE MERCHANT: I won't take up
5 any excess time. I think that Senator Klein has
6 presented our position very well. So I will,
7 in respect to your time constraints, just say I
8 agree with his remarks.

9 And I unfortunately can't stay on the call.
10 I do have an appointment.

11 CHAIRMAN GARCIA: That's all right. I
12 think we're --

13 REPRESENTATIVE MERCHANT: But I really do
14 appreciate Senator Klein being on the call, and
15 I think he has articulated our position very
16 well.

17 CHAIRMAN GARCIA: All right. Senators and
18 Representative, thank you very much.

19 SENATOR FORMAN: Thank you very much.

20 SENATOR KLEIN: Thank you very much. We'll
21 look forward to hearing from you.

22 REPRESENTATIVE MERCHANT: Thank you.

23 CHAIRMAN GARCIA: Very good. Staff has
24 done its presentation.

25 Mr. self, I believe you're representing

1 everyone.

2 MR. SELF: I believe so, yes.

3 CHAIRMAN GARCIA: Very good. There's
4 benefits as well as sins.

5 MR. SELF: Actually, I think the most
6 distressing thing about being here is the
7 realization that I need bifocals.

8 For the record, I'm Floyd Self, and I'm
9 representing AT&T and AT&T wireless services. I
10 have also been asked to provide some opening,
11 some brief opening comments on behalf of
12 BellSouth, GTI, Intermedia, MediaOne, MCI
13 worldCom, Sprint, and I believe a couple of
14 other carriers as well as AT&T.

15 COMMISSIONER DEASON: Mr. Self, are you
16 going to be sending bills to all those people?

17 MR. SELF: No, sir, unfortunately.

18 I believe you all know yesterday we filed
19 with the Commission a letter asking that you
20 defer this matter.

21 The letter well documents the cooperative,
22 collaborative process that has been working on
23 the delegation of authority that the FCC
24 provided to you, and we believe that that
25 process should be given the opportunity to

1 work. We believe that this promises to be the
2 best means of achieving what we all want, which
3 is meaningful number conservation measures,
4 extending the life of the area codes, such as
5 we've heard from the senators and
6 representative.

7 If it's okay with you, what I would like to
8 do is hold my substantive remarks regarding the
9 issues that are in the Staff recommendation and
10 talk briefly about why we think it's appropriate
11 for you to defer at this time. I've got sort of
12 three summary remarks that I would like to make
13 to you.

14 First, our primary concern with the
15 recommendation, obviously, is the recommendation
16 on pooling. We have several people here that
17 can speak to you about some of the technical
18 issues with respect to that. But the bottom
19 line is, we've been working on a comprehensive,
20 coherent, cost-effective plan for implementation
21 of number pooling in Florida that absent this
22 recommendation --

23 CHAIRMAN GARCIA: How long have you been
24 working on that, Mr. Self?

25 MR. SELF: Since November.

1 CHAIRMAN GARCIA: November. Okay.

2 MR. SELF: which is the first meeting that
3 the Commission had right after the FCC issued
4 its order on this.

5 CHAIRMAN GARCIA: Right.

6 MR. SELF: And we believe that absent this
7 recommendation, that process probably would have
8 brought a proposal back to you, I'm going to
9 guess probably in the April time frame, six or
10 eight weeks from now, in other words.

11 We believe that you need to let that
12 process work. There's truly no harm in waiting
13 for that plan. Nor is there any harm in waiting
14 for the likely fact that under that plan,
15 pooling would probably begin in January.

16 Second, if you feel compelled that you must
17 do something today, I believe there are three
18 things that you can do. First, a slight
19 variation of Issue 1, you can request that NANPA
20 recall the codes that are not being used. You
21 can do that today. I don't think you need to
22 wait for anybody to tell you to do that.

23 Secondly, last spring the industry had
24 before you a proposal for some voluntary
25 conservation measures. You were concerned at

1 CHAIRMAN GARCIA: November. Okay.

2 MR. SELF: Which is the first meeting that
3 the Commission had right after the FCC issued
4 its order on this.

5 CHAIRMAN GARCIA: Right.

6 MR. SELF: And we believe that absent this
7 recommendation, that process probably would have
8 brought a proposal back to you, I'm going to
9 guess probably in the April time frame, six or
10 eight weeks from now, in other words.

11 We believe that you need to let that
12 process work. There's truly no harm in waiting
13 for that plan. Nor is there any harm in waiting
14 for the likely fact that under that plan,
15 pooling would probably begin in January.

16 Second, if you feel compelled that you must
17 do something today, I believe there are three
18 things that you can do. First, a slight
19 variation of Issue 1, you can request that NANPA
20 recall the codes that are not being used. You
21 can do that today. I don't think you need to
22 wait for anybody to tell you to do that.

23 Secondly, last spring the industry had
24 before you a proposal for some voluntary
25 conservation measures. You were concerned at

1 that time that those measures were voluntary.
2 This was before the FCC had its delegation of
3 authority to you. We believe that it would be
4 appropriate for you to order those as mandatory
5 conservation measures. And those measures are
6 attached to order PSC-99-1393, and I've got
7 copies of that if you want to look at those.

8 Third, there is verification that you can
9 do. And in fact, the Staff has indeed been
10 looking at the verification issue.

11 With respect to those mandatory
12 thousand-block measures that were voluntary, I
13 think Mr. Ileri will tell you that based upon
14 the data that he has seen, that it appears that
15 those voluntary measures are working. They're
16 working because they make sense both
17 economically and from a business standpoint.
18 And we can talk some more about that in a few
19 minutes if you wish.

20 COMMISSIONER JABER: I'm sorry, Mr. Self.
21 What verification can we do? Explain that.

22 MR. SELF: Issue -- I believe it's 9 of
23 the recommendation talks about the -- Issue 7,
24 excuse me, of the recommendation talks about
25 verification that the staff would like to do

1 with respect to number utilization and whatnot.
2 They have indeed been requesting data from the
3 carriers, and we would simply encourage the
4 Commission to continue that process.

5 My third introductory summary point is,
6 with respect to the initial codes, which I
7 believe is Issue 3 of the recommendation, we
8 believe that there's nothing that you can do
9 with that at this time, because under the FCC's
10 order, you were granted authority to deal with
11 growth codes, not initial codes. And I think
12 all of that goes to the fundamental fact that in
13 the FCC's order, they made it very clear that --
14 I can quote from paragraph 8 of the order.
15 "Under no circumstances should consumers be
16 precluded from receiving telecommunications
17 services of their choice from providers of their
18 choice for want of numbering resources." And I
19 think that that statement --

20 COMMISSIONER DEASON: Mr. Self, how does
21 what staff is recommending in Issue 3 violate
22 that?

23 MR. SELF: Well, Issue 3 is dealing with
24 criteria for obtaining initial codes. This
25 would be a new entrant that does not have any

1 codes today. And under the FCC's order, I
2 believe they made it very clear that -- in
3 paragraph 29 and paragraph 33 that the grant of
4 authority to this Commission pertained only to
5 growth codes, not initial codes.

6 COMMISSIONER DEASON: So you're saying
7 while it may or may not be a good idea, we don't
8 have the authority to do what staff is
9 recommending in Issue 3?

10 MR. SELF: That's correct.

11 And I know, Mr. Chairman, you wanted to
12 take something up at 11:30, but that's kind of
13 my introductory overview of the process.

14 CHAIRMAN GARCIA: I appreciate the brevity
15 of your comments. Is there anyone else to speak
16 on this issue?

17 MR. STRUTHERS: I'm representing NeuStar.

18 CHAIRMAN GARCIA: I'm sorry.

19 MR. STRUTHERS: I'm representing NeuStar.

20 CHAIRMAN GARCIA: Very good.

21 MR. STRUTHERS: The code administrator.
22 I'll find a microphone.

23 MR. SELF: And, Mr. Chairman, we have other
24 people that are here that, to the extent we want
25 to get involved in a technical discussion on

1 some of these issues, they're --

2 CHAIRMAN GARCIA: Very good.

3 MR. SELF: -- here and also prepared to
4 offer comments as well.

5 MR. STRUTHERS: (Inaudible) -- technical
6 discussion of the issues and get through this
7 fairly quickly. I've got a handout --

8 CHAIRMAN GARCIA: Push the button.

9 MR. STRUTHERS: That helps.

10 I've actually got a handout should you like
11 to run that around. Let me keep one copy here.

12 Basically, in just reviewing and receiving
13 the recommendation last week, the NANPA,
14 NeuStar, came up with a couple of primary
15 concerns.

16 One, in reviewing the information that is
17 requested of the NANPA to the Commission, the
18 information, such as LERG updates, is not going
19 to get the Commission the information it wants.
20 The Commission specifically asked for
21 information on reservations, code reservations
22 and code activation, which they hope to obtain
23 by LERG updates received from the NANPA. None
24 of that information is in any LERG update, so a
25 LERG update would not get you what you're

1 looking for. We can't necessarily get you all
2 the information you're looking for. That's one
3 of our primary concerns.

4 Another concern, although the Staff
5 mentions in the recommendation that the
6 requirements proposed would not place a
7 substantial burden on the NANPA --

8 CHAIRMAN GARCIA: Isn't NANPA doing this
9 for other places? Isn't NANPA carrying out this
10 obligation in New York?

11 MR. STRUTHERS: No.

12 CHAIRMAN GARCIA: No?

13 MR. STRUTHERS: This is -- let me get into
14 just a little bit of detail.

15 CHAIRMAN GARCIA: Okay.

16 MR. STRUTHERS: We believe they are
17 overburdensome because of the way they're being
18 requested that we do them here in Florida. The
19 way they're being done in New Hampshire and
20 Massachusetts --

21 CHAIRMAN GARCIA: No, no, no. My question
22 is broader. If I'm not mistaken, New York is
23 already doing number pooling. Correct?

24 MR. STRUTHERS: New York is doing a
25 voluntary trial of number pooling; correct.

1 CHAIRMAN GARCIA: And you're managing that
2 for them; correct?

3 MR. STRUTHERS: Uh-huh, yes.

4 CHAIRMAN GARCIA: Okay. Thank you.

5 MR. STRUTHERS: Most of my comments here --
6 if you want to get into number pooling and
7 NeuStar's role as the pool administrator in
8 Illinois and New York, we can do that. Most of
9 my comments here are directed toward our code
10 administration side of the house, the NANPA side
11 of the house. Pooling is not yet in NANPA.
12 It's a division of NeuStar right now that's not
13 involved with the NANPA. And CO code
14 administration is under national contract, and
15 that's where I'm going today.

16 The proposed requirements, getting the
17 information from the NANPA, i.e., sending and
18 having carriers send utilization reports and
19 facilities readiness information to the NANPA,
20 and then the staff collecting from the NANPA, is
21 different than it's being done elsewhere in
22 other states.

23 Other states like New Hampshire and
24 Massachusetts have asked the carriers to send
25 that information directly to Commission staff to

1 avoid putting a burden on NANPA. In the FCC
2 order, it talks about putting an overburdensome
3 role on NANPA over and above what we have to do
4 for our national contract, and it asks states to
5 specifically avoid that. That's what
6 Massachusetts and New Hampshire have done. When
7 carriers in Massachusetts and New Hampshire file
8 the code requests with the NANPA, they cc the
9 Commission on that code request. So the
10 Commission receives the same thing we do.

11 utilization collection information, we have
12 done some of that in California, but it's done
13 over and above our role as code administrator.
14 We get paid on the side for doing that. It's
15 not part of our normal code administration
16 processes, and we're not doing that elsewhere.
17 Commission staffs in other states have taken
18 that on.

19 So my primary remedy I guess to avoid the
20 overburden on NANPA is for Staff to take on most
21 of the role they want NANPA to keep. It appears
22 to me that they're asking NANPA to collect the
23 information and send it to Commission Staff as
24 Commission Staff requests. In other words, we
25 are kind of becoming a warehouse for

1 information. We're not prepared or set up to do
2 that. It would take additional resources and a
3 great deal of expense to do that, possibly only
4 for Florida, but possibly for more states should
5 other states follow your lead. And we are a
6 national administrator.

7 Therefore, we would kind of like to
8 shortcut that and would propose that the
9 Commission staff collect and warehouse the
10 information. Therefore, they don't have to go
11 through a third party to get it when they need
12 it, and they don't have to overburden us.

13 CHAIRMAN GARCIA: Can we do that?

14 MR. CUTTING: It could be done. Our
15 thought process behind asking NANPA to collect
16 it was that that's a centralized location for
17 those NXX requests to go. The information we
18 felt was available from the carriers as they
19 would be submitting their application to NANPA.
20 It could be collected here.

21 we felt a central location was probably
22 better in the long run, because NANPA is under
23 a timeline of their own under the INC guidelines
24 to issue that CO request, and if the data was
25 there, they could at least acknowledge that,

1 yes, they have received the information we're
2 looking for. We're not asking that they verify
3 it, just that it actually be there.

4 So we would at that point come back on a
5 subsequent basis, on an as-needed basis, and
6 check to make sure that the carriers are
7 actually complying with what we had asked them
8 to submit.

9 CHAIRMAN GARCIA: That seems sensible to
10 me, sir.

11 MR. STRUTHERS: It seems sensible I guess
12 from the standpoint of verification, absolutely.
13 However, we're not being asked to verify
14 anything. We're being asked to store
15 information. Our facilities aren't big enough
16 to store information. It's going to create
17 extra work for Florida. But again, if we have
18 other states follow the lead, which it seems
19 like we have about ten states now which are kind
20 of following each other's leads, we're going to
21 have at least ten states that we have to store
22 information for.

23 Under our current contract and guidelines
24 and under the current amount that we get paid by
25 the industry through the FCC orders, this is not

1 in the contract. This is over and above. We
2 have no idea what --

3 CHAIRMAN GARCIA: Wouldn't it make more
4 sense, though, to have you do it as opposed to
5 -- let's say there are ten states. Don't you
6 think your job would be easier if you did it as
7 opposed to having -- I understand that it would
8 be more costly, but I'm sure there are ways that
9 Neustar will figure out how to remedy that.

10 My question is: Isn't it better to have
11 one administrator doing this than ten different
12 states doing it?

13 MR. STRUTHERS: If in fact the guidelines
14 are changed such that the administrator has to
15 use the information that's sent to them.

16 CHAIRMAN GARCIA: Well, you've got to
17 realize, the guidelines are what put us in the
18 first place. They put us from three area codes
19 to ten or -- I'm sorry. What is it. Thirteen
20 now?

21 MR. ILERI: Thirteen.

22 CHAIRMAN GARCIA: Thirteen in a very short
23 time. So, obviously, there are problems with
24 those guidelines.

25 MR. STRUTHERS: I don't disagree

1 whatsoever. And the guidelines can be amended.
2 However, if the guidelines are amended and our
3 role is amended, then obviously our contract
4 needs to be amended at some national level.

5 However, at this point, if you're asking us
6 to collect and store information and not do
7 anything with it except send it back to you, it
8 would seem much more efficient for Staff to keep
9 that on their own, as they're doing in other
10 states, and not ask us to just -- basically, in
11 this role that has been suggested by the Staff,
12 just a clearinghouse for data. That's not our
13 role. We're not doing anything with the data.
14 We're being asked to be a filing cabinet.

15 CHAIRMAN GARCIA: Okay.

16 COMMISSIONER DEASON: I guess I understand
17 what you're saying, but I'm having some
18 difficulty. You're saying you don't want this
19 data. You know, to be an effective
20 administrator, it looks to me like you would be
21 wanting the data and verifying it if you're
22 going to do an adequate job. But you're saying,
23 "It's not part of our contract. We're not
24 getting paid for it, so we don't want it."
25 That's your attitude; correct?

1 MR. STRUTHERS: That's absolutely not what
2 I'm saying. I'm not saying that we don't -- I'm
3 not saying as a good administrator, we don't
4 want the data. I'm saying we are restricted by
5 the guidelines under which we operate, which say
6 we cannot use this data to verify code requests
7 through our CO code administration process. We
8 can't use this data in any way, shape, or form.

9 I'm also saying as company that is a
10 for-profit company, like you're not, we are not
11 set up to -- we don't have the resources to sit
12 back and verify this data.

13 COMMISSIONER DEASON: You're saying you
14 want the status quo, which has got us in this
15 mess that we're in now, because you're not
16 getting paid to do anything more.

17 MR. STRUTHERS: Absolutely not. But what
18 I'm saying is that this recommendation
19 recommends changes to the guidelines and changes
20 to the way we operate. However, there is no way
21 to change -- we have a fixed price. We get paid
22 a certain amount. There's no way to reimburse
23 us for --

24 COMMISSIONER DEASON: When does your
25 contract expire?

1 MR. STRUTHERS: The contract I believe
2 expires in another three years. That said --

3 COMMISSIONER DEASON: Is there any way to
4 open that contract?

5 MR. STRUTHERS: I imagine a State
6 Commission could talk to the FCC, and I think
7 the FCC may revise the guidelines in their NPRM
8 coming up. We may have to go through contract
9 renegotiations. But my understanding of the
10 process is, because it was an FCC advisory body
11 that set this contract up, we would need to go
12 through them.

13 And I don't know if it can be -- for CO
14 code administration, they can't be revised on a
15 state-by-state basis. For pooling, you
16 certainly have the authority to revise things on
17 a state-by-state basis, because we're not under
18 national administration on that yet.

19 COMMISSIONER CLARK: I thought I read in
20 the recommendation or somewhere that you have
21 the opportunity to go back to get a revision to
22 the contract where the requirements change from
23 what was originally put out in the guidelines.

24 MR. STRUTHERS: Where the national
25 requirements change, we certainly can ask for

1 that. But again, that has to go back to the
2 NANC and the FCC. That's not something we can
3 do generally through a State Commission.

4 I'm not saying that the contract is not
5 open for changes. I'm just saying it may be a
6 difficult process, and it's got to go through a
7 federal advisory body and the FCC.

8 COMMISSIONER CLARK: As a matter of doing
9 business, don't you think it would be a good
10 idea to put into place a process that does
11 conserve these numbers, and then if it does
12 visit extraordinary expenses, that you go to the
13 FCC and ask for that amendment to the contract?

14 Clearly, we can't keep operating the way we
15 are. We need to make changes. Don't you think
16 we should decide the best way to implement the
17 use of numbers and, and then if it is apparent
18 that it has materially changed your contract or
19 the expense of your contract, then go get it
20 changed?

21 MR. STRUTHERS: I don't disagree with
22 making changes to the contract if it seems like
23 they're more efficient. There's not a problem
24 with that.

25 We want to be the best administrator we can

1 be, and we want to conserve numbers, because we
2 don't want to have the NANPA exhaust on our
3 watch necessarily. However, there is the issue
4 when you get into contracts -- obviously, we
5 want to be paid for doing the work we're doing.

6 If we go into a situation where we have a
7 number of states changing the contract and we're
8 going back to the FCC and where we're going back
9 to the NANC to say, "Please give us more money
10 for all this work that we've taken on at the
11 behest of the states," there may not be a NANPA
12 administrator around for very long, at least us,
13 because we may go bankrupt before the FCC can
14 make those changes to our contract and get us
15 more money for that. We're not a company that
16 can put an infinite number of dollars out on the
17 line and hope to recover them at a later date.

18 COMMISSIONER JABER: Mr. Struthers, why did
19 you not anticipate this with the FCC giving
20 states all over temporary authority to implement
21 these kinds of conservation measures? If I'm
22 not mistaken, you were at the meeting we
23 attended in Washington where these issues were
24 addressed.

25 MR. STRUTHERS: Absolutely. We anticipated

1 changes to the pooling guidelines, and we
2 anticipated things like fill rates. However, we
3 also anticipated a chance to go back and look at
4 the resources that we would have to add and add
5 those and then come back for more monies on
6 those.

7 what we also read in the FCC order is that
8 states in implementing their new delegated
9 authority should not put an overburden on NANPA
10 because of the structure we're under, because of
11 the fixed contract price. And what I feel has
12 happened here is that the State has gone back
13 and said, "Well, this doesn't look like it's
14 going to be an overburden to the NANPA.
15 Therefore, we should just do it." And it was
16 never requested of us whether or not any of
17 these changes would be an overburden to the
18 NANPA.

19 COMMISSIONER JABER: And isn't that an
20 issue you should take up with the FCC? That's
21 number one. Number two, won't the FCC support
22 you and your resources, having additional
23 resources in light of the fact that they've
24 given us temporary authority? That's two. And
25 three, how do we explain to the consumers that

1 you don't have adequate resources to help us out
2 here?

3 MR. STRUTHERS: From the consumer point, I
4 apologize. I don't know how to explain to them
5 at that point.

6 But as far as going back to the FCC and
7 assuming they're going to support us, I have no
8 idea what the FCC is going to do. What I do
9 know is that the FCC specifically stated in
10 their delegated authority that states in
11 implementing that should not put an overburden
12 on the NANPA because of the contract that's in
13 place.

14 COMMISSIONER JACOBS: Doesn't that order
15 also contain language directing NANPA to
16 specifically cooperate with state provisions on
17 this issue, state implementation of that
18 authority?

19 MR. STRUTHERS: To the extent they do not
20 overburden NANPA and change the scope of our
21 resource needs, I think that's correct.

22 COMMISSIONER JACOBS: what did you learn in
23 your experience in New York? Did you learn of
24 any -- first of all, did you implement any
25 similar process in New York?

1 MR. STRUTHERS: Not as far as the CO code
2 administration changes, no. For instance,
3 again, in Massachusetts and New Hampshire where
4 we have fill rates and we have CO code requests
5 being sent to the Commissions, again, those are
6 being done and collected and reviewed by staff.

7 Basically what we have to do in those
8 instances is, every time we get a request for a
9 growth code, a new area code in Massachusetts or
10 New Hampshire, we put it on hold, call the
11 Commission, and we say, "What's your call on
12 this one?" They review all the information and
13 tell us to go ahead or not.

14 We can operate under that within this
15 state.

16 CHAIRMAN GARCIA: Okay. Thank you.

17 Staff, did you want to add anything?

18 MR. ILERI: Yes, I do, Commissioners.

19 The contract for NANPA says that they will
20 be following the INC guidelines, and the INC
21 guidelines are formed by industry. And based
22 on what we have seen from our several
23 experiences and from other states' experience in
24 the past, the INC guidelines change frequently
25 based on what State Commissions decide.

1 For example, in Arizona and in the Missouri
2 states, U.S. West Communications wanted to do a
3 three-way split in which rate centers were being
4 divided. And the next day or the following days
5 later, the INC guidelines had changed indicating
6 the rate centers cannot be divided.

7 So since the guidelines say that NANPA
8 will follow the INC guidelines on a repetitive
9 basis when it changes, I don't see any problem
10 in seeing them doing those kind of changes.

11 And the second thing is, I will object to
12 Mr. Floyd Self's statement that there would be
13 no harm in postponing the implementation of
14 pooling until January of next year. I have done
15 some studies that indicate that in those area
16 codes, like in 561 --

17 CHAIRMAN GARCIA: Well, why don't you give
18 them to us per area code. If we --

19 MR. ILERI: Sure.

20 CHAIRMAN GARCIA: If we wait -- what did
21 Mr. Self suggest? That we wait until January?
22 That's what you suggested, right, Mr. Self?

23 MR. SELF: Yes, sir.

24 CHAIRMAN GARCIA: Thank you. 561. That
25 means we would wait -- what is it? An

1 additional six months.

2 MR. ILERI: Right. That's correct.
3 Actually, John is distributing some charts right
4 now, and I would like to go over it with you.

5 Basically, the first column is the area
6 codes in Florida, and the second column
7 represents the current exhaust date based on the
8 December 1999 survey. If nothing is done,
9 column B will be the worst scenario. If you do
10 a reclamation on --

11 CHAIRMAN GARCIA: I'm sorry. Which one
12 would be the worst?

13 MR. ILERI: Column B is the results.

14 CHAIRMAN GARCIA: I'm sorry, Levent.
15 Column B is what?

16 MR. ILERI: Column B indicates the current
17 exhaust date. If you don't do any reclamation,
18 if you don't do any pooling, they will exhaust
19 on those dates shown. Of course, they're all
20 estimate numbers.

21 If you do reclamation on those area codes,
22 column C indicates how many months it will take
23 to extend the area codes' lives onto what B
24 indicates.

25 So, for example, in the 561 area code, it

1 says 2002, fourth quarter. If you do
2 reclamation, it will extend it by six months.
3 If you do number pooling using 1.4 --

4 CHAIRMAN GARCIA: That's the next column
5 over?

6 MR. ILERI: Yes, column D. It will extend
7 it by six months. And based on the current
8 number of available NXXs, based on when we are
9 going to implement the thousand-block pooling,
10 it will extend the life of that area code by 35
11 months, which is in column F. And column G
12 indicates the number of years it will take to
13 exhaust based on that 2002, fourth quarter. And
14 if you wait till January, this number will
15 reduce from three years to 1.9 years.

16 CHAIRMAN GARCIA: All right. Let me walk
17 through this, because this is a good chart. I
18 wish it would have been in the -- let's go to --
19 if I'm looking at 561 and I look at column 6,
20 if we do nothing, in six months we need a new
21 area code.

22 COMMISSIONER JACOBS: No, 2002.

23 MR. ILERI: Column G is the rationing.
24 Based on the rationing procedures, it will
25 exhaust in year 2002.

1 CHAIRMAN GARCIA: Okay. It goes to 2002.

2 MR. ILERI: Fourth quarter, right.

3 CHAIRMAN GARCIA: Fourth quarter of 2002.

4 All right.

5 MR. ILERI: And if we reclaim those unused
6 NXXs, it will allow us to extend the life by six
7 months.

8 CHAIRMAN GARCIA: Okay. That's only with
9 reclamation.

10 MR. ILERI: That's correct.

11 CHAIRMAN GARCIA: All right. And then the
12 next column, column D, is estimated exhaust only
13 with --

14 MR. ILERI: Pooling. If you do pooling
15 using 1.4 version, it will extend it by 16
16 months. And all those numbers were based on the
17 information that --

18 CHAIRMAN GARCIA: Pooling and reclamation,
19 I go 35 months.

20 MR. ILERI: That's correct, which is
21 approximately three years.

22 CHAIRMAN GARCIA: And that's 35 months
23 after --

24 MR. ILERI: 2002.

25 CHAIRMAN GARCIA: 2002. So that's

1 considerable.

2 Okay. Now, Mr. Self wants us to wait six
3 months. And if I wait six months, that number
4 is reduced by about a year and two months or a
5 year and a month and a half of so, year and a
6 month and a quarter.

7 MR. ILERI: That's correct.

8 CHAIRMAN GARCIA: Okay.

9 MR. ILERI: But in the case of 954, it goes
10 about 1.5 years.

11 CHAIRMAN GARCIA: Oh, okay. Oh, I
12 understand. So in that case, you lose a huge
13 chunk by just waiting.

14 MR. ILERI: That's correct.

15 COMMISSIONER JACOBS: And the reason that
16 occurs is that you lose -- during that
17 intervening time, you're going to have more
18 codes that are assigned.

19 MR. ILERI: Right, because there will be --
20 more 10,000-blocks will be assigned, and more
21 contamination will take place.

22 COMMISSIONER JACOBS: Okay.

23 COMMISSIONER CLARK: Let me ask a
24 question. Senator Klein asked about putting off
25 pooling and implementing. Could we be in the

1 same place if we put off pooling if we
2 instituted a requirement that they manage those
3 numbers they've assigned such that contamination
4 does not result? Could we be at the same
5 place?

6 MR. ILERI: I'm really not sure in terms of
7 answering this question, but based on the
8 information that I gathered from the industry,
9 wireline as well as wireless, the carriers'
10 answers developed --

11 COMMISSIONER CLARK: I'm sorry. Say that
12 again.

13 MR. ILERI: The information provided by
14 wireline carriers and wireless carriers, they
15 developed, depending on the company, depending
16 on the --

17 COMMISSIONER CLARK: They what?

18 MR. ILERI: Depending on the carriers --

19 COMMISSIONER CLARK: They vary. Maybe you
20 need -- why do they vary?

21 MR. ILERI: Because the voluntary
22 stipulation was signed by not all carriers. It
23 was signed basically by the major companies.
24 And there are other carriers which I know that I
25 have not received the data from.

1 COMMISSIONER CLARK: wait a minute. If
2 we're delegated the authority to manage these
3 codes --

4 MR. ILERI: It was a voluntary management.
5 It was not mandatory at the beginning.

6 COMMISSIONER CLARK: well, we can give them
7 a choice, it strikes me, you know, you either
8 manage it this way or you don't get all the
9 codes. I mean, I --

10 MR. ILERI: Right. That's a possibility.

11 COMMISSIONER JABER: Could I ask the legal
12 staff a question? walk me through why this
13 recommendation has to be PAA.

14 MS. CALDWELL: Commissioner, it's our
15 opinion that where a person's substantial
16 interests are affected, the APA and supporting
17 case law requires a point of entry, and we
18 believe the PAA process affords companies that
19 opportunity. We don't believe that any point of
20 entry was provided on the federal level, and we
21 believe that the actions today would affect the
22 companies' substantial interests. By
23 implementing the 1.4 and 3.0, companies have
24 expressed concern that costs would increase.
25 There's a thought that the giving back of the

1 numbers would also affect their substantial
2 interests by not having those numbers. So it
3 was our belief that for these reasons, it should
4 be issued as a PAA.

5 COMMISSIONER DEASON: And let me follow up
6 on that question. What I hear the industry
7 saying is that there's a process in place, it's
8 working, it's just taking some time, but that's
9 in their opinion the best avenue.

10 If we issue this as PAA and we get a
11 request for a hearing, are we perhaps not --
12 perhaps we're adding time as opposed to just
13 going through the process we're trying to
14 accomplish now.

15 MS. CALDWELL: Staff understands the need
16 for an expedited process, and what we would
17 propose is to consolidate this docket with the
18 already scheduled area code hearings in May, so
19 that we would just do an expedited discovery
20 process and plan to go to hearing at that time
21 when we take care of the other area codes.

22 COMMISSIONER DEASON: Does that allow
23 sufficient time to prepare for a hearing on
24 these complex issues?

25 MS. CALDWELL: We've had to go to

1 arbitration on complex issues as well, and I do
2 believe that there would be adequate time.

3 MR. ILERI: Commissioner Deason, the Maine
4 -- the State of Maine Public Utilities
5 Commission had the same kind of a problem just
6 like we are having today, and they have
7 scheduled those hearings within one week. After
8 those meetings took place, they scheduled those
9 hearings, and they finished in three days
10 following that.

11 CHAIRMAN GARCIA: That sounds good to me.

12 MR. ILERI: It's my opinion that maybe we
13 should do it on a similar track.

14 COMMISSIONER JABER: Let me try to express
15 some of my frustration, but I don't really know
16 what to do about it.

17 When we filed the petition with the FCC to
18 seek temporary authority, we represented to the
19 FCC, if I'm not mistaken, that we could
20 implement at a state level what was appropriate
21 for Florida quickly, more quickly than the FCC
22 could. And that order came out -- and the FCC,
23 after many, many discussions, gave us temporary
24 authority. And that order came out when?

25 MR. CUTTING: September 15th.

1 COMMISSIONER JABER: And here we are now
2 talking about this recommendation being PAA.
3 And you may be legally correct. I really do not
4 know with this situation. But I would like to
5 view this as the PSC just implementing the order
6 of the FCC. Tell me where I'm wrong there.

7 But second, you said parties weren't
8 allowed to respond in the FCC process. I
9 thought -- I could be wrong, but I thought they
10 could respond to our petition at the FCC, and I
11 thought people did, industry did.

12 MR. ILERI: That's correct, they did.

13 MS. CALDWELL: You are correct,
14 Commissioner. They were given an opportunity to
15 respond to our petition. I think that we still
16 believe -- and you certainly have the authority
17 that if you disagree with staff, you can
18 certainly order this as a final order.

19 COMMISSIONER CLARK: What it turns on in
20 your mind is the fact that it will affect
21 substantial interests, our decision, and our
22 rules of procedure require us -- I mean, the
23 APA requires us to give a point of entry.

24 MS. CALDWELL: That is correct.

25 MR. SELF: Commissioner Clark, if it

1 doesn't affect our substantial interests, I
2 don't think you would sitting here today
3 considering it.

4 COMMISSIONER JABER: Well, Mr. Floyd, then
5 let me ask you a question. You said there were
6 things that we could implement today. If we
7 accepted your modification, would that have to
8 be done as a PAA?

9 MR. SELF: It probably would. But I know
10 that the companies that I've been asked to speak
11 for wouldn't be protesting it, and I don't know
12 who would.

13 CHAIRMAN GARCIA: I'll remind our panel
14 that there are 345 certificated LECs, ALECs, and
15 some other little other names, who all have a
16 right under that --

17 COMMISSIONER JACOBS: A lot of companies.

18 COMMISSIONER CLARK: Mr. Chairman, I'm
19 confused, not about this item, but I thought we
20 had to take something up at 11:30. What are we
21 doing?

22 CHAIRMAN GARCIA: We did, but we've spoken
23 to the people. It was for a waste issue, and
24 they're fine.

25 COMMISSIONER CLARK: So when are we taking

1 them up?

2 CHAIRMAN GARCIA: I think we're going to
3 try to take them up after this issue. If it
4 runs too long, we'll take them after lunch.

5 MR. GREER: Commissioners, I would like to
6 make a couple of comments, since most of these
7 -- since these area codes are generally in our
8 service territory.

9 CHAIRMAN GARCIA: Wasn't Mr. Self
10 representing you?

11 MR. GREER: On the general comments, but
12 now I'm getting down to the specifics as far as
13 the proposals.

14 BellSouth supports the number conservation
15 efforts that the Commission has undertaken. We
16 have been participating extensively in the
17 working groups and trying to move in an
18 efficient manner to implement the authority
19 granted to the Commission.

20 Today, looking at the implementation
21 schedules the Commission has, there's no way to
22 implement pooling May 1 from a technical
23 standpoint.

24 CHAIRMAN GARCIA: That strikes me. It's
25 just fascinating. Is it that BellSouth is more

1 incompetent than other companies?

2 MR. GREER: I didn't say that. We --

3 CHAIRMAN GARCIA: Why is it that in other
4 places in this nation they're doing it? Why is
5 it that our citizens are paying a higher price
6 for your inability to move on these issues?
7 BellSouth is an advanced company. It supposedly
8 purports itself as a cutting edge company. It
9 is in competition with all these other carriers,
10 supposedly, and it talks about a thriving
11 marketplace.

12 Nonetheless, Florida ratepayers or Florida
13 citizens or your customers are constantly being
14 hit by new area codes, promises which you and
15 NeuStar, which used to be Lockheed, and God
16 knows what other name they have and get paid
17 for, have been incompetent or unable to predict
18 these exhausts. And so now you sit here and
19 tell me it's technically impossible. He sits
20 here and tells me he's not getting paid for it.
21 Yet my grandmother dials ten digits. The people
22 in Broward County are going to have to change an
23 area code twice. And these numbers just keep
24 running out.

25 So I have to sit here and say, well,

1 BellSouth simply can't to it. Is that --

2 MR. GREER: Well, I mean, we're working, as
3 we have been in the working groups, to implement
4 3.0.

5 CHAIRMAN GARCIA: What's the difference
6 between BellSouth and Bell Atlantic? Why can
7 they do it?

8 MR. GREER: They have been looking at it
9 longer than us. Illinois started this process
10 considerably longer than --

11 CHAIRMAN GARCIA: Illinois started this
12 process way before this. You know why? Because
13 perhaps we were too complacent here and
14 listening to yours and Neustar's assurances,
15 "Just give them a new number, and we'll be just
16 fine." And so we gave them a new number. And
17 they said we'll have -- what did he promise?
18 2009 when we did the Broward County. And here
19 we are again, and here he is telling us the
20 requirements, the requirements that put us in
21 that position bring us right back.

22 MR. GREER: I understand, Commissioner.
23 And what we're pushing from an industry
24 perspective is trying to make an efficient move
25 to number pooling. And I --

1 CHAIRMAN GARCIA: what about for your
2 customers? That's the question that you have to
3 ask yourself. If we truly have a competitive
4 system in Florida, tell me about your customers,
5 and why those customers have to look at more
6 area codes per capita than probably any other
7 place in the country. Is it our geography? Is
8 it the technical inefficiencies in our system?
9 Is it a complacent Commission that simply has
10 been unwilling to act quick enough?

11 Because that's your latest one, you know,
12 Bell Atlantic has been looking at it longer;
13 therefore, because we're not competent, this is
14 what we find. The funny thing is, we're the
15 ones that are going to be blamed. In the long
16 run, blame will fall on us for not doing
17 something. Because that's the last excuse you
18 just gave me, we haven't been looking at this
19 issue long enough.

20 Well, we get paid, this Commission gets
21 paid to look at these issues. We get paid to
22 protect the interests of Florida's customers.
23 Here we are. And we've been looking at this,
24 and we took your promises, we took Neustar's
25 promises, Lockheed's promises, and we're back,

1 and now you're telling us, "Oh, we just can't do
2 this." You can roll out new services every
3 other day, you can roll out new fiber systems
4 every day, and here we are, and you can't do
5 this.

6 MR. GREER: This is a fundamental change
7 within every system that BellSouth has today,
8 and that modification is very expensive.

9 CHAIRMAN GARCIA: How many codes were
10 affected in the Maryland decision, where the
11 company talked about this would cost -- how
12 much? \$15 million?

13 MR. ILERI: In the State of Maine, there are
14 297 rate centers, and Bell Atlantic proposed it
15 would cost about \$15 million. They started
16 negotiating the price, and then the State
17 reduced the price close to \$1 million.

18 CHAIRMAN GARCIA: How many rate centers
19 are we talking about here?

20 MR. ILERI: In the 954 area code, we have
21 five rate centers.

22 MR. GREER: And I don't know what happened
23 in Maine. I expect the cost that they
24 negotiated down was the -- there's two sets of
25 costs to implement number pooling. There's the

1 NPAC cost, and there's the up-front interface
2 between our --

3 CHAIRMAN GARCIA: If you want to do this,
4 you want to pay for everybody changing their
5 area codes and cards, and you want to pay for
6 all the printing costs that the Floridians have
7 incurred because of our inefficiency or your
8 company's inability to do this?

9 MR. GREER: Well, I'm not sure that I
10 would consider that BellSouth has inefficiencies
11 in the way they handle numbers. Our utilization
12 rate is fairly high.

13 COMMISSIONER JABER: Let me ask you this.
14 We filed that petition in April, but you knew
15 the track we were on prior to April, as I
16 recall, because you came to this agenda, and you
17 said, "Give us time to deal with this. Put in
18 the order some voluntary" -- you know, putting
19 some burden on the industry to bring some
20 voluntary measures.

21 So it's incorrect, I think, to say that you
22 just started looking at this or you haven't
23 spent the time or haven't had the time to look
24 at this, because actually, the process started
25 well over a year ago. How --

1 COMMISSIONER JACOBS: Can I ask -- I'm
2 sorry. Go ahead.

3 COMMISSIONER JABER: When you saw the
4 petition that we filed that articulated
5 everything we sought temporary authority for,
6 did you think we weren't going to want to
7 implement them when we got the temporary
8 authority?

9 MR. GREER: Not at all, Commissioners.
10 what we have been doing in the workshop from day
11 one is drafting a proposal to come up to
12 implement number pooling.

13 One major assumption in those proposals
14 that has always been there was the assumption
15 that we're moving to implement 3.0. This is the
16 first indication that we have had any indication
17 at all that we ought to do 1.4 versus 3.0.
18 we've been trying to implement as far -- as
19 quickly as possible to implement 3.0, and that
20 was always one of the major underlying
21 assumptions in the pooling working group, is
22 that --

23 CHAIRMAN GARCIA: I'm sorry, Commissioner.
24 How can you say that? How the hell would I know
25 what 1.4 is? I mean, how would I know about

1 that issue? I know about that issue because
2 we've been talking about it, because your
3 company has been talking about it at these
4 hearings and complaining about, oh, the future,
5 the future, 3.0, it's coming. But we've been
6 talking about 1.4, haven't we? I mean, we've
7 all been talking about this. Bell Atlantic is
8 implementing 1.4, because its Commission has
9 stepped forward and said you're not going to do
10 this anymore. And I don't understand what you
11 were thinking about. I mean, there's no way on
12 earth I would have known what 1.4 is -- and let
13 me make sure I'm still saying it right -- 1.4 is
14 if it wasn't for the fact that we've been
15 talking about it.

16 MR. GREER: And, you know, I guess -- up
17 front, I guess we should have considered 1.4
18 too. But it was the assumption of the entire
19 working group that we were working to implement
20 3.0. And I understand the concern that the
21 Commission has, but I also don't want to get
22 into the situation of running into network
23 problems of implementing 1.4 or 3.0.

24 COMMISSIONER JACOBS: Stan, the state that
25 we modeled our petition after and one of the

1 things that we asked for was Illinois, and
2 Illinois had implemented 1.4.

3 MR. GREER: In a single area code, yes,
4 with considerable up-front looking at and
5 implementing the time frames.

6 CHAIRMAN GARCIA: well, what if we dropped
7 904 from this, to make it easier, we drop 904?
8 And I say that we'll consider that, because I
9 think in 904, at least from the evidence that
10 I've heard from the people there that want to
11 see an area code change, the people of Volusia
12 are looking for more comprehensive county-wide
13 government. So if we were to drop that out,
14 because we're going to have to do something for
15 the people of Volusia County, create some type
16 of an area which could only be huge numbers.

17 MR. GREER: well, unfortunately, two
18 numbers, one number, three numbers, the
19 operational support systems still have to have
20 the modifications in order to be able to
21 implement 1.4 or 3.0.

22 CHAIRMAN GARCIA: So it has nothing to do
23 with the fact that it was only implemented in
24 one area code in Illinois, since you --

25 MR. GREER: well, it expands the problem

1 we run into, because 1.4 is a manual process.
2 And actually, when we implement 3.0, we will --
3 there will be a lot of manual processes in that
4 work manual, work-arounds. And as you add area
5 codes, that process expands considerably. So,
6 yes, it does impact how much you have to do.
7 But there's still operational support
8 modifications that need to take place.

9 COMMISSIONER JACOBS: When we discussed
10 this in the workshops, it was my understanding
11 that -- and it may not have been BellSouth. It
12 may have been Sprint. But if I recall, there
13 was a working group in the industry on this, and
14 your anticipation was that you would have this
15 upgraded in the second quarter of this year.
16 was that not stated in the workshop?

17 MR. GREER: What I understand was that we
18 would have the -- Neustar would have the NPAC
19 upgrade, the 3.0 upgrade in -- I believe it was
20 in June or July when we first started this
21 process. And that is happening. Actually, most
22 carriers will start testing 3.0 in July and
23 August time frames to implement.

24 COMMISSIONER JACOBS: So what you're
25 telling me is that our problem is a matter of

1 two months?

2 MR. GREER: Yes. But as I said before,
3 there's two parts to this. There's updating the
4 NPAC to be able to handle sending the numbering
5 information to the carriers, and then there's
6 the carriers being able to handle that
7 information once it gets to them. And that's
8 really the major problem for BellSouth. We will
9 begin testing the interface between the NPAC and
10 our company in, as I said, the July or August
11 time frame, to make sure that we can implement
12 on the schedule that's proposed right now for
13 3.0. If we have to stop that work, then we will
14 essentially need to move forward with 1.4, and
15 we will implement 3.0 whenever we get to the
16 point that we can do the appropriate testing for
17 it.

18 COMMISSIONER JACOBS: walk me through this,
19 now, because I did not have this understanding.
20 When we left that workshop, it was my
21 understanding that at the moment of second
22 quarter of this year, 3.0 will be in, and we
23 could begin number pooling tests.

24 MR. GREER: It's my understanding that 3.0
25 would be in the NPAC. It did not build into, as

1 your rec does not, build into the testing or
2 implementation time frames associated past the
3 NPAC, down through the company's downstream
4 systems.

5 CHAIRMAN GARCIA: I remember it the same
6 way, though.

7 COMMISSIONER JACOBS: Okay.

8 CHAIRMAN GARCIA: That you did.

9 COMMISSIONER JACOBS: Oh, okay.

10 MR. CUTTING: I think one thing that must
11 be made mention of is that the FCC's delegation
12 of authority to Florida will be, and they've
13 said it will be, superseded when that FCC order
14 comes out at the end of March. There is a
15 concern on Staff's part that by virtue of
16 waiting, we will preclude any opportunity we may
17 have. We don't know whether that federal
18 rulemaking will be protested. You know, we
19 won't know how long the implementation schedule
20 is. That's a big unknown. The FCC has been
21 real quiet about what's going to be included
22 within that rulemaking. And when they gave us
23 that authority, they said, you know, we'll give
24 you the authority to do it, but be prepared to
25 be superseded come that rulemaking, which is now

1 slated for the end of March.

2 COMMISSIONER CLARK: Let me ask a question
3 having to do with time lines. When is the order
4 on this item to be put out, the PAA order?

5 MS. CALDWELL: When would it be put out?
6 We have 20 days from today in order to --

7 COMMISSIONER CLARK: I guess I -- what does
8 your CASR say in terms of putting the order out,
9 the time for protesting, and the hearings that
10 we would hold on it?

11 I guess my question is, Mr. Self has
12 indicated that they could come to us by April.

13 MS. CALDWELL: Right.

14 COMMISSIONER CLARK: If the order is
15 protested, is that before or after we would have
16 hearings?

17 MS. CALDWELL: The hearing date is
18 scheduled for May 18th and 19th.

19 COMMISSIONER CLARK: Okay. And
20 Mr. Cutting, we're probably going to have that
21 problem anyway. You know, if -- the FCC is
22 coming out in March?

23 MR. CUTTING: End of March.

24 COMMISSIONER CLARK: March the 20th.

25 MS. CALDWELL: Right.

1 COMMISSIONER CLARK: And if this is
2 protested --

3 MS. CALDWELL: I'm sorry. Not the FCC
4 order.

5 CHAIRMAN GARCIA: When is the FCC order
6 coming out?

7 MR. CUTTING: They're projecting March
8 31st.

9 CHAIRMAN GARCIA: I would just remind
10 Commissioner Clark, they projected for our order
11 a turnaround time of 30 days, and we took five,
12 six months.

13 COMMISSIONER CLARK: So you're indicating
14 you don't think the FCC will do it by the end of
15 March.

16 CHAIRMAN GARCIA: I don't speak negatively
17 of the FCC, since they've approved --

18 COMMISSIONER CLARK: Any more.

19 I don't see that as an issue. It's going
20 to be an issue either way if they come out in
21 March.

22 Mr. Self, if we put out an order, you've
23 asked us to rely on a representation that you
24 can get together and make -- reach an agreement
25 on what to do. Well, you'll have time to do

1 that before the hearing on this.

2 MR. SELF: In all four of the jeopardy
3 dockets that are going to hearing in May, you
4 already have a number conservation issue in each
5 of those dockets.

6 COMMISSIONER CLARK: Which might go away if
7 we can agree, if you in fact can come up with
8 something you can agree.

9 MR. SELF: Correct.

10 COMMISSIONER CLARK: I view this as sort of
11 just giving you added incentive to reach that
12 agreement sooner rather than later.

13 MR. SELF: And I think the fundamental
14 problem we have is -- and I'm happy to see --

15 CHAIRMAN GARCIA: I'm trying to understand
16 your point there, because I thought it was
17 articulately clever. You say you can come to an
18 agreement by April 4th, yet the Commissioner
19 gives you a specific date on our hearing, which
20 you would need to meet regardless, because it's
21 an issue in all four of those dockets. And one
22 of the things that I worry about is that you're
23 all looking at 3.0. That's what you're looking
24 at. So we talk here, we go there, we have a
25 hearing, "Give me till January." That's what

1 you're saying. And then you get to January, to
2 the implementation date that you're looking for,
3 hearing, no hearing, protesting it. Nonetheless,
4 what you're looking for is 3.0 in January, and
5 forget about anything else. Because it is an
6 issue in all those dockets, and we -- I expect
7 staff expects you to address all those issues.

8 with this, as I think Commission Clark
9 points out, now you're going to have to do it.

10 COMMISSIONER DEASON: Let me ask Mr. Greer
11 a question. I'm trying to understand the time
12 frame also.

13 You indicated that under Staff's
14 recommendation, that it's your opinion that the
15 May 1st date cannot be accomplished.

16 MR. GREER: No.

17 COMMISSIONER DEASON: Okay. When can that
18 be accomplished? This would be using 1.4.

19 MR. GREER: As I said, the downstream
20 systems, whether it's 1.4 or 3.0, that's our
21 problem. And the January time frame is the same
22 whether it's 1.4 or 3.0.

23 COMMISSIONER DEASON: So you're saying that
24 even if we were to approve Staff's
25 recommendation, in your opinion, the reality of

1 it is that 1.4 cannot be implemented any sooner
2 than 3.0?

3 MR. GREER: That's correct. It's my
4 understanding that we have to make the same
5 touches on our operational support systems with
6 1.4 or 3.0. It can be implemented in the NPAC
7 quickly, but making sure that it flows through
8 the systems and our systems understand that, you
9 know, this block of a thousand no longer resides
10 in our system, it's somewhere else, and making
11 our systems understand that, that has to happen
12 no matter whether it's 1.4 or 3.0. And those
13 are the concerns. Our downflow stream systems
14 is what's the concern.

15 And to be up front, probably even coming up
16 with an administrator by May 1 is probably going
17 to be an issue too. I mean, we want to work to
18 try to identify the blocks and get all the
19 administrative stuff done up front, but that's
20 going to take some time too, and we're working
21 that process now. And our whole intent of even
22 working in the working group is to come up with
23 a comprehensive proposal.

24 Right now an issue that the Commission
25 staff indicated was not in this recommendation

1 is rate center consolidation. There's positions
2 outside there that rate center consolidation
3 expands the benefit of pooling considerably,
4 because like in 954, you go from five rate
5 centers to one, possibly, and that would only
6 require companies to get 1,000 numbers versus
7 5,000 numbers.

8 But there's issues with all these things,
9 the main issue being how we're going to do cost
10 recovery, which is not addressed in this rec, as
11 far as number pooling or even rate center
12 consolidation. And then the other issue is
13 whether or not there's legal authority to do
14 rate center consolidation in Florida. But, you
15 know, we're trying to work through that process
16 and come up with something that's acceptable.

17 CHAIRMAN GARCIA: I'm salivating to you
18 submitting your books to us one last time. I
19 think AFAD would just love that.

20 MR. GREER: Oh, I'm sure they would. I'm
21 sure they would.

22 COMMISSIONER DEASON: That's the problem I
23 have too, is the costs that are being
24 contemplated and the recovery of those costs,
25 and that's something that's not really addressed

1 in the recommendation. And the costs are
2 substantial. And I take it that it's your
3 position that there are going to be additional
4 costs if we go with the PAA and implement 1.4,
5 and then on its heels turn around and go ahead
6 and then implement 3.0. Have you quantified
7 those costs?

8 MR. GREER: There will be additional costs
9 at the NPAC. I don't think that's the bulk of
10 the costs. I mean, it could be 3 million, or it
11 could be 5 million. I've seen various numbers.
12 I believe somebody within the working group may
13 even have said 1 or 2 million. But that's not
14 the bulk of the cost for BellSouth. The bulk of
15 the cost is the modifications of the OSS
16 systems. And if that happens, you know, if we
17 try to move it forward --

18 CHAIRMAN GARCIA: The modifications of
19 what? I'm sorry.

20 MR. GREER: The operational support
21 systems within BellSouth's network. If --

22 CHAIRMAN GARCIA: Aren't you modifying
23 those anyway right now? Isn't that what you're
24 working towards?

25 MR. GREER: We are working to make those

1 modifications within our system.

2 CHAIRMAN GARCIA: We have an ongoing docket
3 in which you're going to be making countless
4 changes, and --

5 MR. GREER: Actually, that's for a
6 different purpose, in that the OSS systems that
7 you're talking about are the same systems, but
8 what you're looking at, like in the KPMG OSS
9 review, is how those interrelate with ALECs.
10 This process could throw some glitches into
11 that, although I don't want to say that right
12 now. But it could. I don't know how this
13 process is going to work through. But if we
14 move it forward, we're going to have to increase
15 the manual effort that we do.

16 CHAIRMAN GARCIA: Don't you still have to
17 move it forward?

18 MR. GREER: Excuse me?

19 CHAIRMAN GARCIA: Don't you still have to
20 move it forward? Don't you still have to move
21 it forward? I mean, we've got -- correct me if
22 I'm wrong. We've got four open dockets, of
23 which I believe three of the Commissioners here
24 sit on all four of those, if I'm not mistaken,
25 or at least three of the four. And this is an

1 issue in all those dockets, and time frame falls
2 exactly the same thing. Is your argument there
3 going to be, "Oh, we just didn't think about
4 it. We didn't think you were going to implement
5 it," in those?

6 MR. GREER: Not at all.

7 CHAIRMAN GARCIA: Don't you have to
8 implement there if we order it? I mean, we've
9 had the hearing, so --

10 MR. GREER: I argued that those issues
11 should not be in that case in the first place,
12 because --

13 CHAIRMAN GARCIA: Nonetheless, they are.

14 MR. GREER: Because of the fact that we
15 were working in the working group to do exactly
16 what those issues were looking at. My
17 understanding of what would take place out of
18 those issues is that the Commission would look
19 at various mechanisms within the areas and
20 develop an implementation time frame. And
21 depending on what that may be, we may or may not
22 be able to live with it.

23 COMMISSIONER DEASON: Well, Mr. Greer, if I
24 understand what you're saying, you're saying the
25 bulk of the costs are involved in modifications

1 to the OSS, not necessarily whether it's 1.4 or
2 3.0.

3 MR. GREER: No, I don't --

4 COMMISSIONER DEASON: And if that's the
5 case, what's the downside of moving forward?

6 MR. GREER: The downside is that I have to
7 make those modifications within my system
8 regardless of whether it's 1.4 or 3.0.

9 COMMISSIONER DEASON: Well, the
10 modifications are going to have to eventually be
11 made.

12 MR. GREER: And the best time that I --
13 the quickest I can get those modifications done
14 is the first of the year. And we're doing
15 everything we can to put in manual -- I mean,
16 even during the first of the year, we're going
17 to have manual work-arounds. And, you know, the
18 time frame has shortened considerably since we
19 started the process. I mean, that's our best
20 case scenario.

21 COMMISSIONER DEASON: So the time -- the
22 critical path, the time frame is not necessarily
23 1.4 or 3.0. It's modifications to the OSS.
24 That's where the time constraint is, as well as
25 the bulk of the cost. And you're saying that

1 cannot be done sooner than January.

2 MR. GREER: As far as BellSouth is
3 concerned. I can't speak for other companies,
4 but as far as BellSouth is concerned, that's
5 true. And the fact is that carriers are going
6 to start testing 3.0 in the NPAC sometime in the
7 July, August time frame to make sure that they
8 can implement on whatever the rollout schedule
9 is for the southeast region, which is somewhere
10 around December for 3.0.

11 COMMISSIONER DEASON: Have you looked at
12 the information Staff handed out today, the
13 analysis which has columns at the top, A through
14 H, and the times associated with various
15 alternatives?

16 MR. GREER: A little bit, yes.

17 COMMISSIONER DEASON: Do you have that in
18 front of you?

19 MR. GREER: Yes, I do.

20 COMMISSIONER DEASON: If I'm reading this
21 correctly, the last two columns, G and H, pretty
22 much -- they indicate the difference in times
23 associated with acting now as opposed to waiting
24 until January.

25 For example, if we look at 954, you're

1 talking about a year and a half difference, some
2 18 months, that that area code could be extended
3 if we go ahead and act now. Do you agree with
4 that or disagree with that?

5 MR. GREER: I would have to say that I
6 disagree with it.

7 COMMISSIONER DEASON: Because it can't be
8 done until January anyway.

9 MR. GREER: Well, put that aside. Put that
10 aside. I don't know the assumptions that are
11 made here, and maybe Mr. Ileri can clarify.

12 But the way it -- first of all, number
13 pooling is going to be done for LNP-capable
14 carriers only. It's not wireless, it's not
15 paging, it's not any of those companies. So I
16 assume that the six per month that we're talking
17 about includes wireless carriers too that are on
18 allocation to -- you know, that are in the
19 jeopardy procedures.

20 It seems to me that -- from my quick look
21 it, it seems to me that it assumes that there's
22 not going to be any numbers retrieved from the
23 blocks that are going to be assigned. That's
24 not going to happen. Generally, there's a lot
25 of carriers that already have codes in those

1 areas. Those are growth codes. You know,
2 whether or not the 21 is going to be assigned in
3 the given time frame I don't know. I don't
4 expect it, because most carriers have codes
5 within each rate center. So whether or not new
6 codes are going to be given to wireless or
7 whoever, I'm not for sure.

8 But that assumption, and the fact that most
9 of the carriers at this table have signed the
10 voluntary stipulation, is that we will do
11 everything we can to minimize the contamination
12 that we have on blocks and that we will give
13 those back to the pool once we get to the
14 pooling situation.

15 I mean, there's to some extent an economic
16 incentive not to contaminate blocks because of
17 the fact -- the way the 10% contamination works
18 is that if it's less than 10%, you give the
19 block back to the pool, and then you actually
20 have to port in whatever is under that 10%
21 within your company. There's cost associated
22 with that. So it's in our best interest to try
23 to minimize that as much as possible, plus the
24 fact that it creates some network routing
25 problems when you get into some odd porting

1 situations.

2 So I don't know that I would agree with the
3 numbers based on the fact that I think it
4 assumes that all these codes go to wirelines.
5 They don't. wireless carriers can get codes, as
6 they do today, in blocks of 10,000. I think it
7 assumes that there's no reclamation of
8 thousand-blocks within the assigned codes.
9 That's not going to happen. If a carrier gets a
10 code in Fort Lauderdale and they don't use the
11 entire 10,000-block by the time pooling is
12 implemented, which they more than likely will
13 not, maybe a thousand or two. If they agree to
14 manage their numbers right, then you will get
15 probably the bulk of the blocks back by the end
16 of the year.

17 COMMISSIONER CLARK: Just so I'm clear, if
18 that happens, are you saying that we would be
19 in no different situation in terms of the number
20 of numbers available and the exhaust if they
21 managed it correctly and we postponed pooling?

22 MR. GREER: If they manage it correctly
23 and they are LNP-capable carriers -- because
24 that's part of the key in being in the pool, is
25 that if they're LNP-capable carriers and they

1 manage the numbers appropriately, you're going
2 to get the thousand-blocks back that are not in
3 use. And whether that starts in May or whether
4 that starts in January --

5 COMMISSIONER CLARK: So, for instance, for
6 561, we should be able to extend the area code
7 exhaust three years.

8 MR. GREER: Roughly, I would expect, having
9 not looked at the individual numbers that are
10 going to be given back to the pool -- I mean,
11 the data that the staff has to my understanding
12 probably is somewhere close to six to eight
13 months old. And we need to look, as we are
14 doing -- since the working group identified the
15 three area codes that they were going to do
16 pooling, we're looking in our blocks to see how
17 many blocks we can give back to the pool that
18 are vacant and how many are below the 10% line.
19 So it really depends on what that ultimate
20 decision is as far as how many numbers do we
21 actually have in a pool on a look today, because
22 things change every day.

23 COMMISSIONER JABER: That's exactly my
24 problem with relying on that. This is a
25 wonderful chart, but they're only estimates, and

1 we guess today how many entrants going to enter
2 the market, and how many people will migrate to
3 Florida, and how many fax machines we'll have,
4 and pagers and cell phones.

5 Didn't we rely on estimates a year ago and
6 found ourselves in a very -- what was it called?
7 Extraordinary jeopardy. That's the only fear I
8 have with relying on Staff's proposal.

9 COMMISSIONER DEASON: Let me jump in just a
10 second. I agree with that, but at the same
11 time, to me, what's relevant is the relationship
12 between columns G and H, not necessarily the
13 absolute numbers. What I'm trying to get a
14 handle on is what do we gain if we act now.

15 What I hear BellSouth saying is that you
16 gain very little, if anything, because with the
17 voluntary conservation measures which are taking
18 place now, which seem to be working, at least in
19 BellSouth's opinion, that when pooling is
20 implemented in January, all those numbers can be
21 recalled and be placed in the pool, and you're
22 really not going to gain that much by Staff's
23 recommendation of implementing pooling earlier
24 than January.

25 Do I understand your position on that?

1 MR. GREER: That's my position.

2 CHAIRMAN GARCIA: Does Staff agree with
3 that?

4 MR. ILERI: Sometimes we agree, sometimes
5 we don't.

6 COMMISSIONER CLARK: Well, I thought,
7 Mr. Cutting, in answer to my question about the
8 pooling, if we managed the numbers right, would
9 we be in virtually the same position and did
10 pooling later, I though you said if we required
11 them to manage them right.

12 MR. CUTTING: If we require them to manage
13 them correct, or in the way we would like to see
14 them done, there's certainly going to be an
15 extension of time.

16 My feeling is that you should do it now
17 rather than later. I mean, to the extent that
18 those voluntary measures that the industry says
19 they're complying with now are being done, there
20 still is no guarantee. There are certain
21 carriers out there that have not signed onto
22 this.

23 COMMISSIONER CLARK: I understand that.
24 But we could put out an order saying this is
25 what's going to be done short of the pooling.

1 MR. SELF: Make it mandatory.

2 COMMISSIONER CLARK: Yes. Thank you. It's
3 no longer voluntary. It's mandatory.

4 But the question that Commissioner Deason
5 asked is, if we do that, will we be in that same
6 position? will we have three years, not 1.9
7 years, assuming that they comply with the
8 mandatory management of conservation of those
9 numbers?

10 MR. CUTTING: I think we'll be better off.
11 To the extent that you're not giving out and
12 looking at numbers in blocks of a thousand,
13 although they still may be granted 10,000 at a
14 time, the fact that they're utilizing those in a
15 much better manner puts you in a much better
16 position long-term down the road. So I don't
17 think you would be at the same point. I think
18 you would be at a better point.

19 COMMISSIONER CLARK: Maybe you've
20 misunderstood. Would we be at about the same
21 point if we also mandated pooling and it went
22 into effect in June?

23 MR. CUTTING: If you order it now, you
24 would be in a better position than if you wait.
25 That's the staff's position.

1 COMMISSIONER JACOBS: If we implement
2 pooling on the 1.4 and then ultimately 3.0 is
3 done, do you have an idea of the overhead that
4 will be required to go from one to the other?

5 MR. CUTTING: There have been widely
6 disparate numbers given by the industry, and
7 they've made it very clear to us that those are
8 only estimates. All we can go on is the look
9 from the other states, again, estimates of what
10 it would cost to implement 1.4. The numbers are
11 really broad. I mean, I would hesitate to --

12 COMMISSIONER JACOBS: I don't think you
13 understand my question. I think the numbers
14 that you cited earlier were if they did pooling
15 under 1.4 now. Okay?

16 MR. CUTTING: Yes, sir.

17 COMMISSIONER JACOBS: What I'm saying is,
18 if we follow that example and then later the
19 companies finally implement 3.0 and they have to
20 convert to that, is there some undue overhead
21 that's going to be required there?

22 MR. CUTTING: It depends on how you define
23 undue. I mean, the companies don't even want
24 to give us an estimate of what it would cost to
25 do 1.4 versus 3.0. I mean, we know there will

1 be costs to change the system over. There will
2 be costs.

3 CHAIRMAN GARCIA: And they will be able to
4 go to 3.0 after June, and we've got 13 area
5 codes, so they can slowly start down that road
6 in the other area codes without a problem;
7 right? If I'm not mistaken, because it's per
8 area; right?

9 MR. GREER: Except that the fact,
10 Commissioner, is that the NPAC -- to implement
11 1.4, and people are going to test with 1.4. You
12 have to give a transition period for moving from
13 1.4 to give folks time to test 3.0. And we're
14 starting that testing for 3.0 in July.

15 CHAIRMAN GARCIA: Great.

16 MS. MCNULTY: Commissioners?

17 COMMISSIONER JACOBS: What you're saying
18 is equally valid. What Commissioner Garcia is
19 saying is equally valid. You're only going to
20 do testing for two, two or three, tops, aren't
21 you? If we tell you to do this, you're not
22 going to do 1.4 for everyone out there, are you?

23 MR. GREER: No. Essentially the NPAC will
24 be 1.4.

25 COMMISSIONER JACOBS: If we order --

1 MR. GREER: You would look for one --

2 COMMISSIONER JACOBS: -- pooling with --

3 MR. GREER: -- or two area codes or
4 whatever you've got. But as I've said, you
5 know, the complexity in a 1.4 pooling
6 arrangement increases with the area codes that
7 you implement.

8 But as far as BellSouth is concerned, as I
9 said, you know, 1.4 versus 3.0 is no different
10 from our downstream OSS systems. You can order
11 1.4 or order 3.0. We're not going to -- I don't
12 think we can have the systems updated to deal
13 with pooling in either scenario until the first
14 of the year.

15 MS. McNULTY: Commissioners, I'm Donna
16 McNulty with MCI WorldCom. With me today is
17 Greg Darnell from MCI WorldCom, and he would
18 like to discuss another distinction that has
19 been touched upon about the differences between
20 1.4 and 3.0.

21 MR. DARNELL: Yes. Actually, Commissioner
22 Jacobs started into this when he was talking
23 about the transition from 1.4 to 3.0. MCI
24 WorldCom primarily opposes 1.4 implementation,
25 not for the same reasons BellSouth does, but

1 because of that transition. We have implemented
2 1.4 in other regions, so we don't have the same
3 systems problems that Bellsouth has. What we
4 have is a problem of converting from 1.4 to 3.0,
5 and that process has not been defined. And
6 also, because it has not been defined and will
7 be primarily manual, it may result in network
8 reliability problems. Your phones might not
9 ring. If the wrong number gets loaded into the
10 database, when you dial the phone number, it
11 might ring someone else, because it literally is
12 going into the tables and looking up each record
13 and assigning individual telephone numbers to
14 range numbers in the databases. And if that's
15 done incorrectly by any carrier --

16 CHAIRMAN GARCIA: What happened in Bell
17 Atlantic's territory? What's happening there?

18 MR. DARNELL: In the Bell Atlantic
19 territory -- I'm familiar with the Illinois test
20 a little bit.

21 CHAIRMAN GARCIA: Okay. And what happened
22 there?

23 MR. DARNELL: That was one NPA, and it was
24 also implemented over a one-year planning
25 period, not implemented and try to do it in two

1 months without any testing. And that has not
2 gone to 3.0 yet, so we still --

3 CHAIRMAN GARCIA: So you're worried about
4 the transition to 3.0 when and if we get there.

5 MR. DARNELL: That's correct. And also,
6 the time line, like I said, in Illinois, it took
7 a year to implement 1.4, so we're already into
8 next year if we start today.

9 CHAIRMAN GARCIA: All right. Thank you.
10 Is there anyone else?

11 MR. STRUTHERS: Chairman Garcia, if I might
12 just real briefly.

13 CHAIRMAN GARCIA: Real briefly.

14 MR. STRUTHERS: Real briefly.

15 CHAIRMAN GARCIA: I don't think they pay
16 you for this much.

17 MR. STRUTHERS: I wanted to clarify
18 readiness dates for 1.4 and 3.0, because I've
19 heard a bunch of dates being thrown around.

20 1.4 -- and I don't speak to the carriers'
21 ability to do anything with 1.4. 1.4 for our
22 purposes is available today.

23 3.0, I've heard June being thrown out for
24 the readiness date for 3.0. Let me clarify
25 that. 3.0 will be given from Neustar to the

1 service providers as of June 30th or June 29th
2 of this year. The service providers then have a
3 period of testing for 3.0 of four to six
4 months. At the end of that testing, that's when
5 3.0 will be available to turn up any pooling
6 trials. That's that issue.

7 I guess the other real quick thing that I
8 want to say is, NeuStar, again, our issue is not
9 with pooling.

10 CHAIRMAN GARCIA: I understand.

11 MR. STRUTHERS: Should you define the
12 pooling guidelines that says you want us to
13 paint all the oranges in Florida red and call
14 them apples, we'll do that, as long as the
15 contract is written around the pooling
16 guidelines and state that.

17 Our issue is with CO code administration.
18 When you change the guidelines to CO code
19 administration, when you have a contract that
20 was defined under a certain set of guidelines
21 two years ago, yes, there are changes
22 periodically made to the CO code administration
23 guidelines, but the changes made to this point
24 have not affected NeuStar in any way.

25 COMMISSIONER JABER: Let me make sure I've

1 got the math right. So 3.0 is not available
2 until December. I think if the math is correct,
3 it's not until the end of this year that it will
4 be available.

5 MR. STRUTHERS: Four to six months worth
6 of testing, which would put you between October
7 and December, the end of December.

8 CHAIRMAN GARCIA: All right. Great. I'm
9 2.0'd out.

10 MR. GREER: Commissioner, we touched on --
11 well, we discussed number pooling considerably,
12 but there was one other piece on the Staff's rec
13 that creates some problems for BellSouth. And
14 Mr. Self indicated that we support trying to
15 implement or making mandatory the voluntary
16 guidelines or the voluntary stipulation that
17 most companies entered into last year.

18 In Issue 4, if the Commission adopts Issue
19 4, essentially it is a strict regime on when you
20 get a specific thousand-block number or NXX.
21 And the way it's structured and the way we
22 handle numbering today is that we open up a
23 couple of blocks, some for business customers
24 and some for res customers, because some
25 business customers such as PBX have limitations

1 as far as what blocks they can use within their
2 system.

3 Under this regime, it doesn't give you that
4 flexibility. And so I would echo Mr. Self's
5 position that the voluntary measures are better,
6 because it allows you to deal with specific
7 customer needs as far as numbers.

8 CHAIRMAN GARCIA: What do you mean, in
9 Issue 4? How would you --

10 MR. GREER: The way I look at the way Issue
11 4 is structured is that you don't ask for
12 another block of a thousand numbers until you
13 reach 75%. Now, that to me means that I have a
14 single block open until I reach 75%, and then I
15 get another block.

16 CHAIRMAN GARCIA: Right.

17 MR. GREER: The way we handle numbers today
18 is that we may have two blocks open, or three
19 blocks open, to deal with -- you'll see most of
20 the time residential --

21 CHAIRMAN GARCIA: Well, that's why we're
22 here, all the blocks that are open.

23 MR. GREER: You'll see residential
24 customers are assigned specific blocks that
25 create problems for business PBX type customers,

1 because it doesn't create a problem for
2 residential customers. But for some business
3 customers, it's necessary to have a specific set
4 of numbers.

5 CHAIRMAN GARCIA: I thought in the rec,
6 though, that companies could ask when they had
7 specific needs for extra numbers. I'm correct,
8 Ms. Caldwell?

9 MS. CALDWELL: That's correct.

10 MR. GREER: But that's going through a
11 waiver process before the Commission. At least
12 the way I read the Commission's structure, it
13 could be somewhere around 30 days. And the way
14 I read the FCC's order delegating authority is
15 that you need to make a decision on those within
16 ten days.

17 I don't know that we need to get to that
18 point if we move to the voluntary stipulation,
19 because it takes into consideration a customer
20 request.

21 COMMISSIONER CLARK: When are you going to
22 be through with the voluntary stipulation? When
23 are you going to implement that?

24 MR. GREER: It's implemented today.

25 MR. SELF: I think what Mr. Greer is

1 talking about is take the requirements that were
2 the voluntary measures and issue them as an
3 order to make them mandatory. That solves
4 Issues 4, 5, and 6 in the recommendation.

5 CHAIRMAN GARCIA: Great.

6 COMMISSIONER CLARK: And, Staff, how do you
7 respond to that?

8 MR. CUTTING: Again, the voluntary
9 stipulation does not apply to all carriers.
10 Issues 4, 5, and 6 apply to all carriers.

11 COMMISSIONER CLARK: We're going to make it
12 apply to all carriers.

13 CHAIRMAN GARCIA: We're going to order them
14 to do it, which we can. We have PAA. But
15 nonetheless, does it have the same exact effect?

16 COMMISSIONER CLARK: Does it accomplish
17 what you want to accomplish in 4, 5, and 6?

18 CHAIRMAN GARCIA: Levent?

19 MR. ILERI: In a sense.

20 MR. CUTTING: Yes, essentially it does.

21 COMMISSIONER CLARK: well, let me ask --

22 MR. ILERI: Commissioners, I would like to
23 make a correction to BellSouth's statement that
24 the information provided on this table indicates
25 three months old data. It's not six to eight

1 months as Stan pointed out.

2 And also, with regards to the OSS network
3 upgrades that he is mentioning, those are
4 changes that are needed only to provide
5 utilization information, demand growth, and
6 forecast demand. Those are the only three
7 quantities that we suggest in the OSS. I mean,
8 I have gone through all this, the master test
9 plan of OSS evolution project by BellSouth
10 Telecommunications, and the only things that are
11 not included in this are those three quantities
12 that needs to be done. And I don't think that
13 those problems are technical issues.

14 CHAIRMAN GARCIA: Okay. Let me just go
15 back to this, and I want to ask you from a legal
16 perspective, because now I -- let's say we make
17 a motion and adopt Mr. Self's suggestion that we
18 order the voluntary measures, which --

19 MR. SELF: I have the order if you want to
20 look at them.

21 CHAIRMAN GARCIA: It's over there
22 somewhere.

23 And staff is telling us that that does the
24 exact same thing. Where does that put it from a
25 legal standpoint? Because if we order those

1 voluntary measures, we don't have the safety net
2 of what was filed at the FCC where they got to
3 comment.

4 You know, I end up where Lila is. I would
5 go to final order right now with what you've got
6 here. But let's say we wanted to take this
7 approach.

8 MS. CALDWELL: My recommendation would be
9 that it still would need to be a PAA, because
10 that is a stipulation that was signed on by
11 certain parties. It was not signed on by
12 everybody, and you have those people who have
13 not participated in that process.

14 CHAIRMAN GARCIA: Does that docket, though,
15 dovetail with the open dockets that we have now
16 on area codes? In other words, are those the
17 same issues that are --

18 MS. CALDWELL: It was a conservation
19 measure issue there. I believe it would
20 dovetail into the area code issues that we have
21 now.

22 COMMISSIONER CLARK: what does that mean?
23 I mean, if it dove --

24 CHAIRMAN GARCIA: we've been doing requests
25 for information in that -- I want to make sure

1 that this is the same exact -- I don't want to
2 take the dockets that we have open which we have
3 hearing dates for and we're on that process, and
4 then say, "Oh, well, we forgot this," you know,
5 or "This wasn't one of the issues that was in
6 the dockets that we were looking at." I just
7 want to make sure how it works.

8 MS. CALDWELL: In those three area code
9 dockets that you're going to have a hearing on
10 that's the individual area codes, one of the
11 issues is conservation measures.

12 CHAIRMAN GARCIA: Okay. It's broadly
13 stated.

14 MS. CALDWELL: In each of those dockets.

15 CHAIRMAN GARCIA: Okay.

16 MR. SELF: And these measures would be
17 statewide if you adopted them, so it would
18 affect all the area codes.

19 MR. CUTTING: But the stipulation does not
20 address number reclamation. That's Issue 1 of
21 Staff's recommendation.

22 CHAIRMAN GARCIA: And what happens there?

23 MR. CUTTING: If we don't reclaim those,
24 the companies can continue to use them or let
25 them sit in their current status.

1 COMMISSIONER CLARK: You know, I didn't
2 understand anyone having an issue with number
3 reclamation.

4 MR. GREER: The only issue is that you
5 give the carriers a chance to verify that they
6 actually aren't in use. I mean, it doesn't
7 really do that. It just says automatically take
8 them back. You know, I as BellSouth would like
9 an opportunity, if I have a couple -- and I
10 understand I have one or two on the list. I
11 would like to explain to them whether or not
12 it's actually in use. All codes don't have
13 utilization data. The specific code I have is a
14 choke code.

15 COMMISSIONER CLARK: Yes. I envision that
16 staff would get this information and verify
17 whether they're in use or not, and if it's
18 verified that they're not in use, they would be
19 taken back.

20 COMMISSIONER JACOBS: I thought that's
21 required already. Don't you have to file
22 something after six or nine months and say
23 whether the numbers have been activated?

24 MR. GREER: Right, activated or put in use
25 for the purpose that it was requested. And my

1 indication is that we have done that, but it
2 still shows up on the reclamation list.

3 COMMISSIONER JACOBS: Oh, you're saying
4 that you would not have filed one, but it may
5 show up on the list as --

6 MR. GREER: I would just like to have a
7 chance to explain to the staff that either it is
8 or isn't. And if it's not, we'll give it back.
9 I don't have a problem with that.

10 COMMISSIONER JABER: Staff, if we were to
11 take their voluntary stipulation and make it
12 mandatory to all parties, are we almost
13 guaranteeing a protest, because you'll have
14 parties that are not here today that had no way
15 of knowing this would be the recommendation?

16 MS. CALDWELL: Commissioner, I cannot --
17 all I could say is they would have the
18 opportunity to protest. And if they did not
19 feel that those measures were necessary, they
20 would have the opportunity, and I couldn't say
21 -- I mean, it seems to me that someone could. I
22 don't know whether they would or not, or whether
23 they want to withstand the --

24 MR. SELF: Commissioner, those requirements
25 that are in there are all based upon industry

1 standards and other requirements. They ought
2 to be doing those things today anyway, either
3 because the INC and other guidelines require
4 those things, or because it otherwise makes good
5 economic or business sense. This is really just
6 more of a security blanket, I think.

7 COMMISSIONER JABER: Are you listening to
8 yourself, Floyd?

9 MR. SELF: Yes.

10 COMMISSIONER JABER: Because that's how I
11 feel generally about the entire issue. I can't
12 believe you all are here without the proposal to
13 say, "Look, Commissioners, look at what we've
14 done the last 18 months." You should be here
15 with something today. That's good business
16 sense. That's good economic sense.

17 MR. SELF: We were going to be here in
18 another month or so. The problem is that the
19 process we agreed to has been short-circuited.

20 COMMISSIONER JACOBS: Now, what did --
21 let's proceed, Mr. Chairman.

22 MS. BEDELL: Mr. Chairman, may I address
23 Commissioner Jaber's question about other people
24 who haven't participated in this? This is a
25 generic docket. So to the extent that we were

1 able to identify all affected parties to any
2 action in this docket, they were notified of
3 this recommendation.

4 CHAIRMAN GARCIA: Susan, you were going to
5 ask something?

6 COMMISSIONER CLARK: Mr. Self, you
7 indicated we could not do item 3, Issue No. 3
8 because of paragraphs 29 and 33. I don't draw
9 the same conclusion. We are not -- that has to
10 do with the number utilization, I think. Let's
11 see.

12 MR. SELF: Issue 3 of the Staff
13 recommendation pertains to what a carrier must
14 do in obtaining an initial code.

15 COMMISSIONER CLARK: Right.

16 MR. SELF: And the recommendation proposes
17 that you meet certain fill requirements.

18 COMMISSIONER CLARK: The recommendation
19 requires that you meet certain fill
20 requirements? I thought it said --

21 MR. SELF: Not fill. Certain requirements
22 before you can request an initial code.

23 COMMISSIONER CLARK: Right.

24 COMMISSIONER DEASON: which would seem to
25 be pretty much common sense, wouldn't you think,

1 Mr. Self?

2 COMMISSIONER CLARK: And 29 and 30 deal
3 with fill rates; right?

4 MR. SELF: That is correct, yes.

5 COMMISSIONER CLARK: So they're not a bar
6 to saying, first of all, you've got to tell us
7 you're authorized to do business in Florida, and
8 second of all, you have to tell us that you have
9 the equipment in place that you can start using
10 these numbers; right?

11 COMMISSIONER DEASON: And as I read
12 paragraph 33, it's pretty much that the FCC
13 wants new entrants to be able to obtain numbers
14 within six months. And I don't see where those
15 requirements, if somebody is legitimately
16 entitled to numbers, will extend it beyond six
17 months.

18 COMMISSIONER JACOBS: These provisions
19 would go to enhance the FCC's objective here.
20 If somebody comes up and they don't have an
21 interconnection agreement, that probably means
22 they're not going to be ready to go in six
23 months.

24 CHAIRMAN GARCIA: Great. All right. We're
25 going to take our -- if we have a motion, we'll

1 do it. If not, we'll take a break. Are you all
2 ready to vote?

3 COMMISSIONER JACOBS: I'm ready.

4 CHAIRMAN GARCIA: Great. Is there a
5 motion?

6 COMMISSIONER JACOBS: I move Staff on Issue
7 1.

8 COMMISSIONER DEASON: Second.

9 CHAIRMAN GARCIA: There being no objection,
10 show Issue 1 approved.

11 Issue 2.

12 COMMISSIONER CLARK: Maybe we can do 3 and
13 4 and dispose -- 3 and 4, 5, and 6.

14 CHAIRMAN GARCIA: Okay.

15 COMMISSIONER CLARK: I would move Staff on
16 Issue 3.

17 COMMISSIONER JACOBS: Second.

18 CHAIRMAN GARCIA: There's a motion and a
19 second. No objection. Show Issue 3 approved.

20 COMMISSIONER CLARK: With respect to Issues
21 4, 5, and 6, I would offer an alternative, that
22 alternative being that we order what has been
23 voluntary under the order we issued approving
24 the voluntary measures, that they become
25 mandatory and apply to all carriers.

1 MS. CALDWELL: That would be Order No.
2 PSC-99-1393-S-TP from Docket No. 990373-TP.

3 COMMISSIONER CLARK: That would be my
4 motion, Mr. Chairman.

5 CHAIRMAN GARCIA: I have just one quick
6 question before we second it. We have plenary
7 authority to do this, and this falls within the
8 authority that FCC has given us to implement
9 this; correct?

10 MS. CALDWELL: I would agree, yes.

11 CHAIRMAN GARCIA: Okay.

12 COMMISSIONER JACOBS: I second.

13 CHAIRMAN GARCIA: Is there a second?
14 There's a second. All those in favor signify by
15 saying "aye."

16 COMMISSIONER DEASON: Aye.

17 COMMISSIONER JACOBS: Aye.

18 COMMISSIONER CLARK: Aye.

19 COMMISSIONER JABER: Aye.

20 CHAIRMAN GARCIA: Is that it?

21 COMMISSIONER DEASON: Now, we've not
22 addressed Issue 2; correct?

23 COMMISSIONER CLARK: Correct.

24 COMMISSIONER JACOBS: No, we didn't.

25 COMMISSIONER DEASON: Issue 7, this is --

1 the administrator has a problem with Issue 7;
2 correct? This is where the information would be
3 sent to the administrator and they would act as
4 the caretaker of that information and
5 disseminate it when requested?

6 what is staff's position -- what is your
7 response to the administrator's concerns about
8 overburdening and placing costs which are not
9 considered in the contract?

10 MR. CUTTING: well, I guess to the extent
11 you have to file papers in a location, there
12 would be a cost associated with that. You know,
13 staff did not think those were overburdensome.
14 NANPA obviously believes to the contrary.

15 we could keep that data here. I mean, our
16 intent was to keep all the code-related
17 information in one place. And then if we felt
18 there was a problem with a particular carrier,
19 we could request the information for that
20 particular NXX and say, "Let's verify it." It
21 can be kept in two different places. It just
22 seemed from a matter of administrative ease and
23 concern -- again, we thought it would help NANPA
24 to look a request and make sure the data was
25 there. But we could do it here. It could be

1 done. It didn't seem from a logical
2 administrative perspective the best way to go.

3 MR. ILERI: Commissioner Deason, the FCC's
4 order indicated that states would work with
5 NANPA. And to be able to do our job, we get
6 information from NANPA based on what we request
7 on these issues.

8 COMMISSIONER DEASON: well, what happens if
9 we approve Staff's recommendation on Issue 7?
10 Then the administrator goes to the FCC and
11 objects and seeks some type of a contract
12 modification if it's that overburdening? what's
13 the process?

14 MR. CUTTING: They would do as
15 Mr. Struthers indicated. If we ordered this,
16 they would have to go back to the FCC and
17 request that the contract be looked at or
18 revised.

19 Again, the question I guess from the FCC's
20 perspective is whether the cost that they see in
21 that revision to the contract is overburdensome
22 to NANPA. But they would have to make that
23 judgment and then decide at that point whether
24 they're looking to get more money or the same
25 contract terms.

1 COMMISSIONER DEASON: And is this something
2 we can do just within the state?

3 MR. CUTTING: We could. But again,
4 initially we would have to get information from
5 NANPA anyway. I mean, that request goes to
6 them. The carriers themselves make that request
7 to us, file a duplicate with us and send the
8 original on the NANPA. It could be done that
9 way.

10 Our concern has been that NANPA is required
11 to give that request a turnaround time of ten
12 days. And the question is, if we're going to do
13 any up-front review, whether we could do that in
14 the same time frame. We were more looking at a
15 verification process that was post the issuance
16 of the NXX. In other words, it was our way of
17 verifying, at least at some point in time,
18 whether that was a legitimate request or not.

19 COMMISSIONER DEASON: Mr. Self, does the
20 industry have a position on Issue 7?

21 MR. SELF: I think if you're struggling
22 for a solution, perhaps your motion should be to
23 approve the recommendation, and to the extent
24 that there's problems in having NANPA collect
25 the data, have the Florida Commission collect

1 the data. I mean, maybe that's the easiest way
2 to get past where you are at the moment.

3 COMMISSIONER DEASON: Well, what
4 efficiencies are there -- I understand that
5 there are efficiencies -- what exactly are the
6 efficiencies by having one central administrator
7 collect the data and then disseminate that, as
8 opposed to us just collecting the data in
9 Florida for the Florida area codes?

10 MR. CUTTING: Staff has had the opinion
11 that certainly there are other things that NANPA
12 could be doing to verify code requests. And
13 having that information in one location seemed
14 to be a way to administratively provide for that
15 greater responsibility.

16 COMMISSIONER DEASON: Well, they're saying
17 it's burdensome just to collect the information.
18 You're saying that you would like for them to
19 have the information, and maybe they would
20 voluntarily verify it? I don't think you're
21 going to get that.

22 MR. CUTTING: Then we can collect it here
23 just as easily as they can collect it there. It
24 just seemed a hard way to go.

25 COMMISSIONER DEASON: I move that we

1 approve Staff on Issue 7, but have the
2 information come directly -- the Florida
3 information come to the Commission, and that way
4 we'll not overburden, which I don't think it
5 would be a burden, but I just don't see that
6 there's the need in engaging in that debate at
7 this point. We have enough substantive issues
8 to deal with.

9 CHAIRMAN GARCIA: All right. There's a
10 motion and a second.

11 COMMISSIONER JACOBS: Second.

12 CHAIRMAN GARCIA: Having no objection, show
13 7 approved with modification.

14 MS. SIMMONS: Commissioners, let me just
15 interject something. I have a little bit of
16 concern on the last vote. Did your vote
17 contemplate that the verification would be
18 post-issuance of the code or pre-issuance of the
19 code?

20 COMMISSIONER CLARK: It's got to be post.

21 COMMISSIONER DEASON: My motion envisioned
22 that the same process would be followed. It's
23 just that it would be based upon the information
24 being collected here. Now, is there a problem
25 with that? And if there is, we need to --

1 MS. SIMMONS: No. I just wasn't clear on
2 your intention, and that's what I wanted to
3 clarify. Thank you.

4 COMMISSIONER DEASON: We need to address
5 Issues 2, 8, and 9.

6 CHAIRMAN GARCIA: Okay.

7 COMMISSIONER CLARK: And as I understand,
8 they're all related. They're all related to the
9 issue of pooling, when it begins and what --

10 COMMISSIONER JOHNSON: Software version.

11 COMMISSIONER CLARK: -- form you use.

12 COMMISSIONER DEASON: Well, Commissioners,
13 we can start the debate. And I see both sides
14 of this, and I'm just as frustrated, I think, as
15 others. And just because I maybe don't
16 demonstrate it as much vocally and emotionally,
17 it shouldn't be interpreted that I'm not
18 concerned.

19 However, I am not convinced that we're
20 really going to gain that much by ordering
21 staff's position on Issues 2, 8, and 9. We may
22 order it, but if BellSouth is correct and we get
23 a protest and they cannot do what is necessary
24 as far as doing all the implementation sooner
25 than January, we're really not accomplishing

1 anything.

2 COMMISSIONER JACOBS: I beg to differ. It
3 would be an important indication to me if the
4 companies pursue a course of litigation on this
5 issue when they've told us that they're within
6 six weeks of having a solution. It would add
7 definition to this ongoing, interminable
8 problem. Either we're going to get a solution
9 or not.

10 what I hear the company saying is that
11 they're real close. Okay. Let's vote this out
12 and get them to bring the solution to us. I
13 have no problem considering this. I would
14 reconsider it in a heartbeat if the company
15 comes in and says, "We have something that you
16 should consider." Absent that, we have no
17 further definition.

18 I take the companies at their word that
19 they're working diligently on this, but we have
20 to look at this in terms of past practice. And
21 past practice indicates that this is a
22 difficult, complex problem. And I agree without
23 question that the companies are working on it
24 with due diligence, but I have no clear
25 indication to this point. I have heard three

1 time lines today of when 3.0 will be available,
2 three.

3 When I see something here before us, then I
4 think we'll reconsider this decision.
5 Otherwise, I think we take clear, decisive
6 action on this.

7 COMMISSIONER DEASON: And I certainly
8 respect that, and that's a valid point. My
9 concern is that by doing that, would we be
10 diverting the focus and the resources away from
11 the process that was already in place, which the
12 companies indicate will be bearing fruit in
13 April, away from that process to this -- to
14 litigation, which may be the most fruitful way.
15 I'm not sure. I'm not so sure that it is,
16 though. And I'm willing to allow the other
17 process to take place.

18 And another very key concern that I have,
19 we do not have a handle on the costs, and I'm
20 very concerned about that. And it seems to me
21 that we may be adding cost by adopting Staff's
22 recommendation on Issue 2.

23 CHAIRMAN GARCIA: Okay. Is there a second?

24 COMMISSIONER CLARK: I think that the
25 concern is that they're not moving fast enough.

1 And if you put an order out there, they will
2 come to a quick resolution of what they can
3 agree on in April. You think it will be April.

4 You know, one of the solutions is to
5 mandate that they have a solution on pooling
6 filed with the Commission by a date certain.

7 CHAIRMAN GARCIA: If you want, I'll read
8 you that solution. That solution will say we'll
9 wait till January, and 3.0 will be there.
10 That's what they've said. I mean, they've said
11 it this way, they've said it that way, they've
12 come back, they've come forward. It always
13 comes down to January. And then Neustar has
14 said that nothing is going to be available until
15 January. Testing is going to start, but it may
16 be available for actual testing in January.

17 COMMISSIONER DEASON: No, no, no. Testing
18 would begin on June 30th.

19 COMMISSIONER CLARK: That's right. That's
20 when it will be --

21 CHAIRMAN GARCIA: So it could be
22 implemented January 1st?

23 COMMISSIONER DEASON: It could be
24 implemented as early as October, in theory, but
25 it may be that January 1st is more realistic.

1 CHAIRMAN GARCIA: NeuStar agrees that?

2 MR. STRUTHERS: Correct.

3 CHAIRMAN GARCIA: Okay. Well, we've got a
4 motion.

5 COMMISSIONER CLARK: What is the motion?

6 COMMISSIONER DEASON: I'm not sure I can
7 repeat it.

8 I believe that we should deny staff on
9 Issue 2, and I believe that would also apply to
10 Issues 8 and 9, and that we would allow the
11 process to continue which is currently being
12 engaged in, with the understanding that it has
13 been represented here that under the original
14 process, that there would be a product that
15 would be presented to the Commission in April or
16 May. Am I correct on that?

17 COMMISSIONER CLARK: Why don't we put a
18 deadline on it? Would you consider it a
19 friendly motion that we would deny staff, but
20 they have to come back to us by a date certain
21 and file an agreed-upon solution?

22 COMMISSIONER DEASON: Certainly. That
23 would definitely be a friendly amendment.

24 Do you have a date? Do you suggest a
25 date?

1 COMMISSIONER CLARK: April 7th. What day
2 is that?

3 MS. CALDWELL: Commissioners, would you
4 like this on just an agenda date, or do you want
5 it on a special agenda?

6 COMMISSIONER CLARK: I think if you -- I'm
7 not sure that it needs to be -- oh, I see what
8 you're saying. When is the first agenda? I
9 think there's only --

10 MS. CALDWELL: The first agenda in April is
11 April 4th, and then there's an 18th.

12 COMMISSIONER DEASON: Now, you have to
13 realize that to get something on the April 4th
14 agenda, our staff has to have it and file it and
15 file their recommendation ahead of time, so
16 you're really cutting the time period for the
17 collaborative process to take place to have a
18 resolution presented.

19 COMMISSIONER CLARK: Okay. Could it be --
20 well, I don't think we want to go much beyond
21 the 18th agenda to hear from our staff.

22 MS. CALDWELL: Well, the problem too arises
23 because there's no agenda on May the 2nd, so
24 the only next agenda available would be May the
25 16th. So I think the best agenda date would be

1 April the 18th. That would give staff -- we
2 would have to file our recommendation on April
3 the 6th.

4 COMMISSIONER DEASON: Well, you filed this
5 recommendation -- I mean, I appreciate getting
6 recommendations extremely early. That was not
7 done in this case. And if need be -- I can't
8 speak for the Chairman, but you may get an
9 exception to that as well.

10 MS. CALDWELL: We will do our best to get
11 it filed timely.

12 CHAIRMAN GARCIA: Okay.

13 COMMISSIONER JABER: What do you envision
14 this resolution encompassing, Commissioner?

15 COMMISSIONER CLARK: Pooling sooner than
16 January.

17 COMMISSIONER JACOBS: On the 3.0.

18 COMMISSIONER CLARK: On the 3.0.

19 COMMISSIONER DEASON: I think if we --

20 COMMISSIONER CLARK: You all have got to
21 find a way to do this.

22 MR. GREER: Commissioner, we've talked
23 about it a lot, but my understanding of the
24 schedule of updating the NPAC is sometime in
25 December. And I think that's what the

1 gentleman --

2 COMMISSIONER CLARK: Well, Mr. Greer, given
3 this agenda and I think the almost unanimous
4 frustration, don't you think maybe you could go
5 back and do that a little quicker?

6 MR. GREER: Well, unfortunately, it's not
7 my call. It's my understanding there's seven
8 regions, and there's a hierarchy, if you will,
9 as far as which region gets implemented first.
10 And there's a Bell Atlantic region which they're
11 trying to implement, I understand, first, and
12 there's a second, and there's a third.

13 CHAIRMAN GARCIA: That's the problem with
14 understanding. We've been so understanding to
15 your company, Bell Atlantic moved first, I
16 guess.

17 MR. GREER: Commissioners, I don't have a
18 problem -- and I'm going to duck this when I say
19 this --

20 CHAIRMAN GARCIA: Floridians have a
21 problem.

22 MR. GREER: -- from the folks behind me.
23 But it makes sense the Commission is ordering
24 pooling on the three area codes. The industry
25 has looked at it. Those are probably more

1 beneficial in the given circumstances associated
2 with those area codes. Order the pooling for
3 the three area codes, do it on the 3.0, and
4 mandate the beginning of the pooling to be
5 January 1st. I mean, I understand --

6 CHAIRMAN GARCIA: I told you where the
7 discussion was going to go.

8 MR. GREER: And you're right, Chairman. If
9 we had to come back with a --

10 CHAIRMAN GARCIA: We're not talking about
11 a collaborative process. You're telling us
12 January 1st, and our Staff is wasting time
13 meeting with you about anything else. January
14 1st is the day; right?

15 MR. GREER: For BellSouth, January 1st is
16 the best I can do. There are a lot of issues to
17 get dealt with between now and January 1st,
18 developing the administrator, developing --

19 CHAIRMAN GARCIA: We've got a motion.
20 We're looking for a --

21 COMMISSIONER CLARK: What was the motion?

22 COMMISSIONER DEASON: The motion simply is
23 to deny Staff on Issues 2, 8, and 9, and that we
24 allow the collaborative process to continue, and
25 that we have a final product with anticipated

1 time frames presented to us for consideration at
2 a date certain. And you wanted to put that
3 time limit in there, and I'm flexible as to what
4 you consider to be an appropriate time frame.

5 COMMISSIONER CLARK: what time does Staff
6 need for it to be taken up on the 18th agenda?

7 CHAIRMAN GARCIA: But correct me if I'm
8 wrong. What Stan is telling us basically is
9 that there will be an implementation point, and
10 the best they can do is December. So we don't
11 really need to file another rec, is what I'm
12 saying. Why don't we just vote that out as Stan
13 is asking?

14 MR. GREER: I was trying to short-circuit
15 the -- short-circuit bringing the rec --

16 CHAIRMAN GARCIA: Right, a waste of us
17 having to set a special agenda on the rec.

18 COMMISSIONER CLARK: All right.

19 COMMISSIONER DEASON: Well, I want our
20 staff -- apparently our staff thinks something
21 could have been done in May. I'm not so sure
22 that that's -- I want our staff convinced that
23 Stan is right. And this process that goes
24 along, this collaborative process that maybe
25 will get a little contentious -- and maybe staff

1 needs to be a little bit more contentious in
2 this collaborative process. But I want Staff to
3 come in here and be able to tell me as a
4 Commissioner, and hopefully the whole
5 Commission, that, no, we disagree it can be done
6 on such and such date. That's what I think is
7 the benefit to be derived.

8 CHAIRMAN GARCIA: Do you have a date?

9 COMMISSIONER CLARK: All right. Staff,
10 when do you need it to make your recommendation
11 by the 18th?

12 MS. CALDWELL: We will have to file a
13 recommendation on April the 6th, and then we --

14 COMMISSIONER CLARK: Then let's make it
15 March 31st, I think is that Friday before.

16 CHAIRMAN GARCIA: Yes. I'll take an
17 emergency rec. That's not a problem.

18 COMMISSIONER CLARK: All right.

19 CHAIRMAN GARCIA: All right?

20 COMMISSIONER CLARK: I would suggest March
21 31st.

22 CHAIRMAN GARCIA: Before I call a vote, I'm
23 going to be voting against that. I'm going to
24 vote to move Staff on this.

25 That said, we have a motion and a second.

1 All those in favor --

2 COMMISSIONER DEASON: Wait, wait. I want
3 acknowledgement from the industry that May 31st
4 is a workable date. I don't want them --

5 COMMISSIONER CLARK: March 31st.

6 COMMISSIONER DEASON: -- to come in on the
7 agenda and say, "Well, you put too short a time
8 frame. We couldn't meet May 31st."

9 COMMISSIONER CLARK: March 31st.

10 COMMISSIONER DEASON: I'm sorry, March
11 31st.

12 MR. GREER: From my perspective,
13 Commissioners, we will have a proposal from the
14 industry to implement number pooling.

15 COMMISSIONER JABER: Mr. Chairman, let me
16 articulate why I'll be dissenting, for the
17 record. I think that the industry has had
18 adequate notice. I think that we started this
19 process nearly two years ago. I think that the
20 FCC petition we filed stated specifically what
21 we would be looking for. My recollection is a
22 year and a half ago you said to us, "You can't
23 do this, Commission, because you don't have the
24 authority from the FCC." So we went and got
25 authority from the FCC, and here we are. So I

1 think that you had adequate notice.

2 I think that your resources would be
3 diverted from your efforts to move this forward
4 only if you would have protested the order.

5 And finally, I think that an order agreeing
6 with Staff's recommendation, approving Staff's
7 recommendation would have provided you all an
8 incentive to move this along, but it would have
9 also made you think about weighing whether a
10 protest or a hearing was in your company's best
11 interest.

12 For those reasons, I'm going to dissent.

13 CHAIRMAN GARCIA: All right. We have a
14 motion and a second. All those in favor signify
15 by saying "aye."

16 COMMISSIONER CLARK: Aye.

17 COMMISSIONER DEASON: Aye.

18 CHAIRMAN GARCIA: We only have two votes.
19 Those opposed, "nay."

20 COMMISSIONER JACOBS: Nay.

21 COMMISSIONER JABER: Nay.

22 CHAIRMAN GARCIA: Nay.

23 CHAIRMAN GARCIA: All right. Do we have a
24 motion?

25 COMMISSIONER JABER: I move Staff. Even if

1 it has to be PAA, I move Staff. And I hope that
2 you consider adequately whether it's worth
3 protesting, and I hope that you work with Staff
4 and you work with us and you work with your
5 consumers to move this forward.

6 CHAIRMAN GARCIA: We have a motion. Is
7 there a second?

8 COMMISSIONER JACOBS: Second.

9 CHAIRMAN GARCIA: There's a motion and a
10 second. All those in favor signify by saying
11 "aye."

12 COMMISSIONER JACOBS: Aye.

13 CHAIRMAN GARCIA: Aye.

14 COMMISSIONER JABER: Aye.

15 CHAIRMAN GARCIA: All those opposed?

16 COMMISSIONER CLARK: Nay.

17 COMMISSIONER DEASON: Nay.

18 CHAIRMAN GARCIA: Very good. We are going
19 to take a --

20 COMMISSIONER DEASON: Issue 10.

21 COMMISSIONER CLARK: Issue 10.

22 CHAIRMAN GARCIA: I'm sorry. Issue 10.

23 MS. CALDWELL: That's whether to leave the
24 docket open or close it.

25 CHAIRMAN GARCIA: Should we close it or --

1 COMMISSIONER DEASON: You can't close it.
2 It's PAA.

3 COMMISSIONER JABER: Is there a way to
4 expedite your order so that we give the
5 industry, if they were to protest it, which I
6 hope they do not, but if they were, that they've
7 got enough time to file testimony and do all
8 those things that are necessary to roll this
9 into the hearing?

10 CHAIRMAN GARCIA: I'm seeing a yes.

11 MS. CALDWELL: We'll do the best -- yes.

12 CHAIRMAN GARCIA: Very good. So that
13 motion -- there being no objection, show Issue
14 10 approved.

15 (Conclusion of consideration of Item 17.)

16
17
18
19
20
21
22
23
24
25

1

2

CERTIFICATE OF REPORTER

3

4

STATE OF FLORIDA:

5

COUNTY OF LEON:

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I, MARY ALLEN NEEL, do hereby certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and that the foregoing pages numbered 1 through 119 are a true and correct record of the aforesaid proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing matter.

DATED THIS 14th day of March, 2000.



MARY ALLEN NEEL, RPR
100 Salem Court
Tallahassee, Florida 32301
(850) 878-2221